194
(Law

File No. 26-31
Serial Nos. 1-5

GENERAL AND REVENUE SECRETARIAT

Part B for

SUBJECT

S no: 38/26 f 31 on the file of the commissioner Bangalore
Director of Industries & Commerce re Dev. Syndicate)

General and Revenue Secretariat | Law File-No. of 193

Serial No.

O.S. 38 of 30-31 (The Director of I & C vs the Mysore Development Syndicate) on the file of the Dist. Judge Mysore.

1) The Suit stands posted to 13th Aug'31.

Letter no 18 dated 15th Aug'31 from Govt. AD informing that the case is to 3-9-31.

Submit for perusal

TSD 11/8

Submitted 6/9

Mr 21/8

2) Further report not received. Hence draft is

Report is received today

Mr 8/9

8/9.

Memo' No. 181 dated 7th Sept 1931 from the Govt. AD forwarding a copy of the letter addressed to the D.D.C. requesting him to intimate the name of the manager of the Mys. Dev. Syndicate

3) The Case is posted to 23rd inst. and Summons is to be issued to the manager of the Dev. Syndicate, as Mr. Ramalingam has stated that he is not the manager.

D.D.C. may perhaps be requested to expedite the matter. Dft & Summons forwarded

TSD 9/9

4) The M.D. Syndicate a Partnership

all the partners have been made defts in the case.

5) Please enquire the G.A. whether the Court has directed service under order 30 rule 3 (a) of the C.P. Code and whether it is not advantageous to have service effected on all the partners, since otherwise have to take out execution may be necessary under order 21 rule 50 Cl(2), if the decree is to be enforced against any particular individual partner of the firm.

Nrp
9.9.31

6) Dft Suit accordingly

ISD 10/9

7) I had a talk with the Govt Advocate today in the matter. He said that summons have been taken to the individual partners also who are defts in the case. Many of them, it seems, have been served. Mr. Ramalingam has accepted service as a partner but has refused it as a Secretary or manager of the firm. The G.A has called for further inform from the Dir of I&C as to who has now the control of the business.

General and Revenue Secretariat | File No.

Serial No.

We also forward to the Commr of Income-tax information which he may have in case the firm has been treated as an assessee -

Draft letter may be approved

GENERAL SECRETARY 10 SEP 1931 No 1942

NG SECTION 11. SEP. 1931 GENL. & REV SECTT.

The Commr of Income tax No. P. 1611 dated 12/9/31 enquiring whether M. D. Syndicate is on his record as an assessee and requesting to furnish information as to who are managers or Secy of the firm and

Copy to Govt. Advt.

Subd a) The info called for is not yet received A draft for the issue sent up.

b) Issue of necessary orders a draft to the Govt Advocate enquiring as to the progress made in the case on 23rd inst.

1876 of 1.10.31/28

TYPING SECTION 28 SEP 1931 GENL. & REV. SECTT.

NOTE—Contn. Sheet.

TYPING SECTION 5. OCT. 1931 GENL. SECTT.

WD 02553—G PB—50,000—8-7 3

Reply received 7/10

File No. of 193

General and Revenue Secretariat

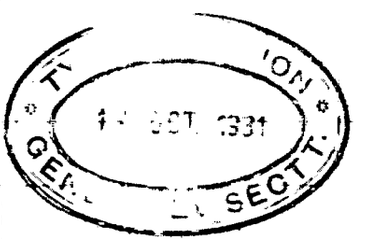
Letter no 253 dated 5th Oct 1931 from the Govt. Ad. intimating that the Case stand adjourned to 13.10.31.

Letter no. 150 dated 5.10.31 from the Commr of Stamps forwarding a copy of the report ~~regarding~~ re the name of the manager of M.D.S. received from the Spl. D.C. of Income tax.

(3) It is stated that the Mgr. Dev. Syndicate is not borne on the files of any of the Income tax officers; and Mr. Rowling module is receiving the letters addressed to the Syndicate.

Dft forwarding a copy of the report to Govt. Ad. is put up for appl.

SD
15/10



The Govt. Advocate

No. P. 2529 dated 26.10.31 forwarding of the letter together with its enclosure received from the Commr of Income taxes

Adjourned to 11-11-31.

" for ~~final~~ 8.12.31

Letter C.172/31-32 dated 5.11.31 from Commr. Dept of Income tax intimating that this Ord is no longer in existence.

The Govt Advocate

1 1000/Law C. 17.11.31

to ~~take~~ action on D.C. Com's letter.

Serial No.

From the Govt Advocate

362 of 24/11/31
23

stating that it is not clear by saying that it is no longer in existence & that the Syndicate does not seem to have been dissolved by the partners requesting to ascertain whether it has been dissolved or not & if so when

15) Dft enquiry & put up

ISD 24/4

16) For perusal before issue

Genl Secy) MNP 24.11.

24/11

17) Issue MNP 24/11

Issued vide P. 2962 d. 25.11.31

18) The info required has not been furnished. A draft thereof is put up

19) Issue MNP 10/12

10/12

3252 of 14/12/31

20) Further report from the Govt Advr. has not yet been received A draft for the same is put up.

17/12

21) Issue MNP 17/12

3380 of 18/

GENERAL & REVENUE SECRETARIAT 24 NOV 1931 No. 3 [illegible]

TYPING SECTION 24. NOV. 1931 4-15 PM GNL. & REV. SECTT.

TYPING SECTION 10 DEC. 1931 GNL. & REV SECTT.

NG SECTION 17. DEC. 1931 & REV. SECTT.

NOTE—Contn. Sheet.

The Govt. A

no. 4044 d 21st Dec 1931 intimates that the Case is posted to 4th Jany 1932 for W.St.

2) Secy for perusal.

ISD
n/s

[illegible] 12

From.

The Commr of Income tax

no. c. 2n/31-32 dated 2nd Jany 1932

Stating that the Dir of Ins intimates that the Mysore Dev. Syndicate is a private partnership firm and that the matter is being further investigated.

2) Dft forwarding copy of the letter to the Govt. AD. for perusal & return

ISD
s/

and Issue
MI
3/1

Issued no. P. 3729 d 7.1.32

3) If no report as to the progress made on 4-1-32 is received by Monday (11th) the usual Dy is to be put up —

[illegible]
7.1.32

Extract from the Govt AD's progress report dated 6 the Case stands adjd to 25.1.32.

2) For perusal.

ISD
9/1

eneral and Revenu- | File No.
Secretariat

Serial No.

From,

The Govt. Advocate

No. 609 dated 11th Feb'y 1932 forwarding copies of statements filed by defts 3 to 7 and intimating Case Stands adjourned to 12th inst for the Statements of defts 2 and 3.

27) This is a Suit against the Mysore Development Syndicate for the recovery of Rs 91,144-5-6 due to the Esenglem Products Ltd. W. Statements have been filed by defendants 3 to 7 viz Messrs S.K. Padmarajayya, V. Ramalinga Mudaliar, M. Krishnama, B.K. Gundachar and S. Sajjan Rao. All the defendants deny the existence of mutual, open and Current accounts between the Esenglem Products Ltd and the Mys. Dev. Syndicate. W. Statements have been flagged Subject for perusal.

TSD 16/2.

28) Mr: Gundachar in his statement denies that the Syndicate was ever a firm or partnership authorised to carry on any business or to enter into any transactions with third parties.

'SD for perusal

Chief Secy) DOP 17/2

2nd member) MM 17/2

PRINTING SECTION
17 FEB. 1932
CHIEF SECRETARY
17 FEB 1932
OFFICE OF THE SECOND MEMBER OF COUNCIL
19 FEB. 1932
No. 689

NOTE—Contn. Sheet.

Typing Section) x 1 to Dir of S.O.7
1 for myreference
1 for reference in the file
3 MM 17/2

29) Please get 3 copies of the statements typed for reference & return the file to this office. MM

TSP 17/2

WD 70—GBPM—60,000—13-8-31

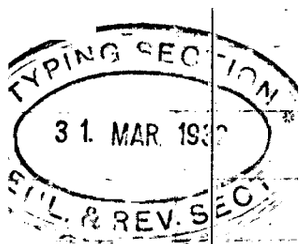
General and Revenue
Secretariat

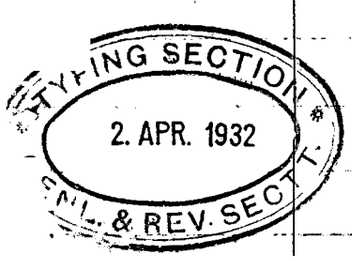
Forwarding for
sements filed by 2nd

36) Here are w. statements filed by
Messrs. B. Sitaramacha ⓦ and S. Paramaswarabhatta
ex 2nd and 5th defts respectively.
Mr. Sitaramacha denies the allegations
of the plaint in toto
Mr. Paramaswarabhatta does not admit
that the M. D. Syndicate was a firm, and
maintains that he was not a partner.
int'd for perusal.

ISD
31/3

37) Get 3 copies typed as usual & return
These sent by the G. A as desired.





P. 5/30.31 on the file of the Dist Judge Bkne

File No. 01 193 | General and Revenue Secretaria

From ____

____ the Govt. Proctor

No. 882 dated 23rd May 1932 informing that the 9th defdt Mr. Shanmuga Mudaliar is reported to have died and requesting to be furnished with the exact date of his death and the name and address of his legal Repve so that his legal repve may be brought on record.

4th) Dft to the Dir of Stre requesting him to furnish the information requi

Submitted for appl

25/5

Tuesday

27/5

27/5

4th Issue

Issued no. P. 6867 a 30.5.32

GENERAL SECRETARY
27 MAY 1932
No 8203

28.5.32

Tel. Address :—"Sandal Bangalore"

5707-21

SANDALWOOD OIL FACTORY

Bangalore. 4th June 1932.

GOVERNMENT OF MYSORE

No. 6067

FROM N. RAMA RAO ESQ., B.A., B.L.,
~~C. RANGANATHA RAO SAHIB, ESQ., B.A., B.L.,~~
DIRECTOR, SANDALWOOD OIL FACTORY IN MYSORE,
BANGALORE.

GENERAL SECRETARIAT
4 JUNE 1932
No.

To

The General Secretary to the Government of Mysor
Bangalore.

Sir,

With reference to your letter No. P.6867 dated the 28/30th May 1932, I have the honour to state that the Deputy Commissioner, Shimoga District, in my letter No. 6022 dated 1st June 1932, is requested to let me know the exact date of the death and the names and addreses of the Legal Representatives of late Mr. Shamanna Udapar, and immediately on receipt of the said information, the Government Advocate will be duly informed of same.

I have the honour to be,

Sir,

Your most obedient servant,

N. Rama Rao

DIRECTOR.

TYPING SECTION
6. JUN. 1932
GENL. & REV. SECTT.

(1) Submit for perusal
ISD 6/6.
(2) Please send copy to
G.A
6/6

Dft put up.
6.

Issued No. 7015-07 9

O.S. 38/3031 on the file of the Dn. Judge-B'lore
(Dir of DRC vs Mys. Dev. Syndicate)

639

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

From

The Govt. Rd.

Ltr. No. 75 dated 7.8.33 forwarding the appl's filed defts 5 & 6 (Messrs. M. Hariyanna vs B.K. Gundachar) in the above case praying that the suit against them may be dismissed in lieu of the Compromise effected in O.S. 38/3031, and soliciting instructions as to whether the appl's may be opposed on the ground that the Suit is one filed by the Dir of DRC in his Capacity as receiver of Essenflem Products Co. Ltd., for amounts due

4b) Copy of petition filed by Messrs. B.K. Gundachar and M. Hariyanna & Sub? for perusal.

Certain book debts due to the Essenflem products Co? Ltd in O.S. 38/3031 (Sandal oil Case) from the Mys. Asbestos Co? Ltd and the Mys. Dev. Syndicate were attached before judgment, and the Dir of DRC was appointed as receiver. The Dir of DRC. has instituted the filed the marginally noted 2 suits against the Mys. Dev. Syndicate and the Mys. Asbestos Co? for recovery of Rs. 91,144, and Rs. 89 respectively.

4c) Now the petitioners Contend that as a result of the Compromise effected in O.S. 38/3031 the above Suit may be dismissed against them as it is only a part of the claim arising out of the main Suit. The Govt. Rd. may be requested to oppose the appl's on the lines suggested by him in the P.W.D.

5) Please put up the files relating to the Compromise of O.S. 38/3031

Connected files are put up. MM 9.8.33

150 MM

150 9/8 MM

DED 70—GBPM—60,000—13-8-31.

Messrs: B.K.Garudachar and Hariyanna have filed a petition praying that as the Government claims in Sandal Oil Suit against them have been adjusted by settlement out of Court, the suit filed against the Development Syndicate has to be dismissed so far as these two gentlemen are concerned. The Government Advocate asks for instructions as to whether the application may be opposed on the ground that the suit is one filed by the Director of Industries and Commerce in his capacity as a receiver of the Essen Flour Products for amounts due from the Development Syndicate and that as such the prayer cannot be granted.

This aspect of the matter was considered at the time the offer of compromise was accepted. In the Final Note of 19th April 1933 it is stated that " The object with which Messrs: Garudachar and Hariyanna have made their offer is to be freed from the vexation to which they are now subject by the Government litigation against them and if they are freed from the personal liability in respect of their association with the Essenflour Products, the same concession would have to be shown to them as members of Development Syndicate as well".

The offer was however to pay Rs.25,000 in consideration of these two gentlemen being released from the case ~~O.S.550-31~~ O.S.28 of 30-31 on the file of the District Judge, Bangalore; and it is this offer that was accepted in Government Order of 29th April 1933 and duly reported to the Court. The legal consequences of this settlement ~~dispose off~~ is The Satisfaction of the claim of Government in O.S.28 of 30-31 against Messrs: Garudachar and Hariyanna so far as they could be held liable personally as Directors

Serial No.

of the Essenflour Products. The claim of Government against the Essenflour Products themselves for the moneys appropriated still continues to form the subject matter of the Sandal Oil Suit pending. It is to safeguard the enforcement of this claim that debts due to the Essenflour Products have been attached before judgment. The Director of Industries & Commerce has been appointed by the Court as receiver in respect of these attached debts and he has been empowered by the Court to file suits to recover them. In pursuance of this he has filed a suit against the Mysore Development Syndicate which is a partnership firm. Messrs: Garudachar and Hariyanna are members of this firm and are therefore defendants in this case against the Development Syndicate. It is not easy therefore to see how their liability in this suit is in any way discharged by the settlement effected in the Sandal Oil Suit. Even if these two gentlemen were not parties in the Sandal Oil Suit itself, they could still have been held liable in any action brought against the Development Syndicate of which they form partners.

(2) As a receiver appointed by the Court the Director cannot in law compromise this action without the permission of the Court. The Director in this suit represents the Essenflour Products and not the Government. If the debt due to the Government is paid or settled, it does not follow that a separate debt due to the Essenflours is also settled thereby.

(3) The application may therefore be opposed on the grounds stated by the Government Advocate. In view however of

ed to above, This is submitted for orders as to ~~whether~~ what further action s to be taken in the matter, ~~suggested by~~ the Govt Advocate.

Gen Secy) DRP 11/8/33

I Member Ltte 11/8 mnl 11/8

Date of Dg 15/8/33

OFFICE OF THE FIRST LT. 12 AUG. 1933 No. 12-32

Sd) As to the purely legal aspect of the matter I agree with the view expressed above that the compromise with the applicants in respect of O.S. 38 of 30-31 (Govt vs Jamadar Singh & ors) cannot affect the other suit O.S. 38 of 30-31, Dist of Dt (Receiver Kurnool & Essenpleur Co vs the Nyanpet Syndicate) -

Please submit to Revd Member

Ly 12/8/33

II Member Ltte 12/8

Sd) In the Final Note Then First member, it is mnl 12/8 recommended that similar concession Sd be shown in the case agst the Nagpur Dest Syndicate. View of this, the Govt Advocate may be asked not to oppose the

717/416

16

eneral and Revenue Secretariat | File No. | of 193

Serial No.

Application on behalf of the plaintiffs in the suit.—
Please submit to Dewan
also
14/8

14 AUG. 1933

Dewan
14/8

DMP
14/8

5/8/33

15/8

(56) Dft reply — me 8A accompg
DMP
15/8/33

(57) Dft subd for appl
ISD 15/8.

(58) For perusal before issue
Gainsey)
DMP
15/8.

adjournment

GENERAL SECRETARY
16 AUG. 1933
No.

OFFICE OF THE FIRST MEMBER OF COUNCIL
16 AUG. 1933
1384
Note—Cover Sheet.

TYPING SECTION
17. AUG. 1933
GENL. & REV. SECTT.

TYPING SECTION
18. AUG. 1933
GENL. & REV. SECTT.

C.S. 38/2031 – Dr. Cr. Case (Decree in Mys. case) 834

File No. 16 of 1931 | General and Revenue Secretariat

The Govt. Ad.
No. P. 867 dated 21.8.33 informing that the petitioner's application need not be opposed on behalf of the Govt in the Suit.

(60) A report was called for about the progress made in this case sometime back in connection with the Execution Cases arising out of S. O. Civil Suits. It was reported that this case was posted to 23.3.36 for evidence.

Subd. wrote a dft calling for a pr. report.

15/2/6.

(61) Issue
Govt
3/6

Issued No. P. 2082 dt 5.6.36.

Posted 22.7.36 (vide P. 1218 here dt 30.6.36)

Secs A
6/6/36

O.S. 38/para 1 on the file of the Dy. Ch. Sec'y (Dir'r of Ire of Mys. Dev. Syndicate

154

General and Revenue Secretariat. Kaw File No. 26 of 1931. [App. F. III-2

From,

The Dir'r of Ire

No. 36 d. 6.7.36 stating that

Messrs. Rao Bahadur B.K. Gundachar, S.L. Mannaji Rao on behalf of S. Sajjan Rao, have expressed a desire to a Compromise out of Court of the above suit and requesting orders of Govt. for pursuing the matter further in Consultation with the Govt. Advate.

(2) The total claim including interest in the above suit is for Rs. 91,104-15-6. Messrs. B.K. Gundachar and S. Sajjan Rao are defendants 6 and 7. The proposal of the Dir'r is submitted for orders.

ISD 7/7

(3) Kind refce is invited to paras 49 to 58 of the note above = The G.A has not yet reported the result of Messrs Hariama's and Gundachar's appl'n made to the Court in this case which gave rise to the discussions referred to above. It appears as though this appl'n has not met with success as otherwise Mr. Gundachar would not again come up with a proposal for a settlement. However further enquiry will be made & the matter resubmitted for orders. In the meanwhile, there can be no objn to the Director pursuing the matter in consultation with the G.A. as proposed

A

NOTE—Contn. Sheet.

(C) (Dor of D.C. re Mys. Investiture)

File No. of 193 .

General and Revenue Secretariat

and of course subject to the condition of obtaining previous sanction of Govt before any final settlement is made.

Secy) mrl
Dno 7/7/36
7/7/36.

This Dy Secy mrl 8/7

Second Member) NNN 8/7

mrl
8/7/36.

First Member)

JP
9/7 Dno
9/7

Draft reply
mrl
9/7

Dft subd

Issue & resubmit
mrl
10/7/36

To,

The Dir of S. O. T.

No C. 326 d 11.7.36 informing that Govt. have no objection to issue the matter

Result?

Issue D/Govt
mrl
11/7

RECD 1936
180

RECD 1936
180

210
9/7.

TYPING SECTION
1936
GENERAL SECTION

O. S. 38/30-31 Ct. B'lore
(Dir.r of Ind: & Commce Vs Dept Syndicate)

General & Revenue Secretariat. | File No. 26 of 1931 | [App. F. III-2

Serial No.

the case has been adjourned. A dft forwarding a copy of Dir.r's letter Subd for approval or orders

1/10

TYPING SECTION. 1 OCT. 1936 GENL & REV. SECTT.

No. P. 2241 / 1-10-36

83) Subd with a dft informing the Dir.r of S.&I. about the adjournment of the Case

6/10

Issue
7/10

TYPING SECTION. 8 OCT. 1936 GENL & REV. SECTT.

9-10-36

Issued no 12393, dy 8-10-36

From
Mr A. R. Nageswara Iyer
~~the Govt Advocate~~

D.O. Letter no 358, dy 14-12-36
Requests whether he can hand over the above case as well as Exn 1/34-35 on the file of the 2nd judge, B'lore to the Govt Advocate.

84) The above case as well as Exn 1/34-35 (Linked file) were entrusted to Mr A. R. Nageswara Iyer in his private Capacity as an Advocate. He Requests ~~extras~~ instructions to hand them over to the present Govt Advocate.

Subd for orders

O.S. 38/30-31 Ct of B'More

(Dirr of Ind: & Commce VS Mgr. Scripts Syndicate.)

Law

File No. 26 of 1931.

General and Revenue Secretariat

85) The present Government Advocate may be requested to take charge of the records in O.S. 38/30-31 ~~and~~ on the file of the Addl. District Judge, and Os 1 of 34-35 on the file of the District Judge's court, ~~[illegible]~~ BKR ~~[illegible]~~ and Conduct the cases.

Hg Date in Os 38/1931 15-11-36.

Gen. Secy) BKR 16-11-36

17/11

First Member)

Draft ord 17-11.

Submd with a dft. for approval.

17/11 Gen Secy) BKR 17-11

17/11

BKR 17-11-36

Issued in D.D. No. P. 3274, dt 17-11-36

Issue c 19-11-36

D. S. 38/30-31 Mr. C. B. Hore
(Dirs & Secy of Devt Syndicate)

General and Revenue Secretariat | File No. Law | of 1931 | [App. F. III—2

Serial No.

100) Subd for orders. The matter was discussed in the first Member's chambers yesterday & the reference file and a statement showing recoveries so far as known are also put up.
29/1/37.

Sec'y Member

P.B.R. 29.1.37

OFFICE OF THE ... COUNCIL. ... 1937 5338

101) From the discussions which took place on the 28th instant, I gathered that the Government Advocate and other legal advisers were not very confident of success in the suit against the Development Syndicate and its members. As regards two of them, viz., Messrs. B.K.Garudachar and M. Hariyanna, Government have already decided that the claim need not be pressed in view of the compromise entered into with them in the principal suit. Mr. Sajjana Rao and the other defendants who now seek a compromise may be shown a similar concession. Considering all circumstances, the amount offered (Rs.10,000/-) does not appear to be unreasonable.

(1) O. S. 201 - 31 At. Ct. B Vol - 1
(2) Dir. of Ind: & Commce 75 Deptt Syndicate

File No. Law 26 of 1937 — General and Revenue Secretariat

Serial No.

at the meeting, The Compro
will apply only to those parties who
are referred to in the Sajjan Rao
letter that the case will go on
as it was done in
the main case -

DEWAN'S OFFICE
2 FEB. 1937
No. 2980

Sd/-
31/1

Law
1/2/37

3-2-37

BKR
1.2.37

Dewan

Sd/-
3-2-37

104) Asst. Secy Law for a D.F.N.
Law
3/2

D.F.N is submitted for
(sd) approval

BKR
5.2.37

Gen. Secy) Law 5/2

GENERAL SECRETARIAT
5 FEB. 1937
1158

First Member

Sd/-
5/2/37

Law
5/2/37

BKR

Final Note by the First Member of Council.

Subject:—

Civil Suit by the Director of Industries and Commerce against the Mysore Development Syndicate and others.

With His Highness' gracious approval, Government accepted a compromise in the suit against the Essenflour Products Company, Ltd., and other defendants for recovery of over eight lakhs of rupees - first from the sons of late Mr. Vardhamaniah for Rs.20,000, and later from Messrs. B.K. Garudachar and M. Hariyanna for Rs.25,000.

In the course of that suit, two book debts due ~~one~~ to Essenflour Products Company, Ltd. by Asbestos Ltd., and the Mysore Development Syndicate respectively, were attached before judgment, and the Director of Industries and Commerce was appointed Receiver to collect those debts. The claim of the Director in the suit against the Syndicate and other defendants including Mr. Sajjan Rao, is for over Rs.90,000.

Mr. Sajjana Rao, on behalf of himself and most of the other defendants offers now to pay to the Director of Industries and Commerce Rs.10,000 in full settlement of the claim against the Mysore Development Syndicate.

The case against Mr. Sajjan Rao and other defendants depends on the questions whether the Syndicate is a partnership of which Mr. Sajjan Rao and others are partners and if the book debt claimed is really due to the Essenflours Products Co., Ltd. The issue with the material on hand would seem to be doubtful, and

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* Civil Suit by the Director of Industries and Commerce against the Mysore Development Syndicate and others *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

7-2-37

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Civil Suit by the Director of Industries and Commerce against the Mysore Development Syndicate and others.

JBJECT :— Civil Suit by the Director of Industries and Commerce against the Mysore Development Syndicate and the

( )

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the

108) Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

109) ~~General~~ ..... Department.

G.O. 30/30-31 Dt. 4.1.30 to cons
(Dirn of Ind: & Comm: Dl Dispt Syndicate)

General and Revenue Secretariat | Law File No. 26 of 1931. | [App. F. III—2

Serial No.

112) Subd with a draft for approval & orders.

113) Done

Hg. Date 17-2-37

Sec B (23-2-37) / 16-2-37

To
The Director of S.O.T.
Letter No. 1939 dated 17-2-1937
Forwards copys of letters received from Mr S. Sajjana Rao furnishing the names of gentlemen on whose behalf the offer was made and that of the letter addressed to the S.A.

114) Submitted for perusal. The offer made as per Mr Sajjana Rao's letter is in respect of defendants-3 to 8. Refer-para 102 Jurpad the final rate
19/2/37

115) Draft G.O. is put up for approval

(Gen. Secy) b) Two copies

(Two copies)
First Member

GENERAL SECRETARY. 19 FEB. 1937 15 97

OFFICE OF THE FIRST MEMBER 24 FEB. 1937 52 96

WD 0417—GPO—30,000—8-9-36

O. S. 38/30-31 & c. 3 for
(Dir:r of Ind:s & Commerce re Bridge Syndicate

Law File No. 26 of 1931. General and Revenue Secretariat

Serial No. 3535

1) For perusal before issue
MD
26/2

Dewan) 2) MD 26.2.37
MD
27/2

3) DSMW 27.2.37

G. O. No. P. 5240, dt 27-2-37

27 FEB. 1937

From

The Dir:r S. O. T.

Letter no. 2064-, dated 1-3-37

forwards a copy of letter from the G. A. requesting to intimate whether the claim debited includes the claim for Costs of this case as against them and against their liability either as personal or as directors or both

2) Dir:r of S. O. T. requests for immediate instructions on the point raised by the G. A. in his letter (Flag A)

Subs for orders.

3) The amount of Rs 10,000/-

O.S. 38/30-31 Dr. Ct. B Vol
(Dirr of Ind: & Comm Vs Deccan Syndicate

General and Revenue Secretariat | File No. Law 26 of 1931 | [App. F. III—2

Serial No.

is in full settlement of the claim against defendants 3 & 8 and therefore necessarily includes the claim for costs against them. The Director of Industries and Commerce may be informed accordingly.

Gen: Secy).

(1) How was it arranged on the last occasion (compromise in re. claim agst Messrs Gundachar & others)?

Law
7/3/37

(2) There is no specific mention about costs. When any amount is received in full settlement of the claim against any one individual it naturally means that the said individual is absolved from all further liability including a claim for costs.

BNR
2-3-37)

Gen: Secy)

(2) The compromise with Mr. Varadhamanaiah's Sons was for Rs 20,000/-; the compromise with Messrs Gundachar and Hariyanna was for Rs 25,000/-. There is no specific mention of about costs of suit on both occasions. It was presumed that the amounts are no separate costs were received from them. including a claim for costs also. I think a

O. S. 38/30-31 & of 3 Kgs
(Dis ~ y 2nd: & Cause ~ Kurpi Syndicate)

Law File No. 26 of 1937 | General and Revenue Secretariat

Serial No.

Similar arrangement would apply in the present case also.

3. I may also point out that a similar question arose when the claim against Mrs Seshamma Appukuta was settled for Rs 500/- . The Director of Public Instruction raised the question whether Mr. Seshamma has not to pay the costs of the suit in addition to Rs 500/- . It was then held that as Rs 500/- were accepted in full settlement, it meant a settlement of all claims including costs. (Vide Law File 143-31 placed below).

BKR 2.3.37

Gen. Secy.) For perusal

4) The Dir I & C. will be informed accdly.

RW 4/3/37

5) MW 2.3.37. BKR 2.3.37

Exec Secy

Secl Member

6) RLL 2/3/37

Fin Member

7) It generally means that each side will bear its own cost

SJW 2/3

RW 4/3/37

Draft - To-day BKR 2.3.37

O. S. 38/30-31 H. Ct. B'lore
(Dis: & J & C to Dept: Syndicate) 5.09
5279:3459

General and Revenue Secretariat | File N Law of 1931. | [App. F. III—2

Serial No.

DEWAN'S OFFICE
23 MAR. 1937
No. 4019

133) Subd with a dft for approval
B 2/3

134) Issue & resubmit
BNR 2-3-37

To
The Govt. & Genl. & Jud. & C.
Letter no. P. 5273, dt. 2-3-37
(Copy to Govt. Advocate)

GENERAL SECRETARY.
3-MAR. 1937
(6)

135) Submitted after issue.
B 3/3

136) For perusal after issue
BNR 3-3-37

Govt C 4-3-37

Govt. Secy) 137) Issued
9/3/37

BNR 9-3-37

Govt. Advocate

Letter no. 657, dated 17-3-37
States that the case was concluded that the Court passed a decree against defendants 1 & 2 and the legal Representatives of dept 9 for the amount prayed for in the plaint less the sum of Rs 10,000/- already paid into the Court by the other defendants against whom the suit was Compromised.

OFFICE OF THE SECOND MEMBER OF COUNCIL
2 MAR 1937
NO. 6497

GENERAL SECRETARY.
19 MAR. 1937

138) Submitted for perusal
BNR 19.3.37
19/3

WD 0417—GPS—30,000—8-9-86

FINE—Contn. Sheet.
23 MAR. 1937
No. 6096

Govt.

141 Second M.) 139 MG
1st Member, 140 MGC
Dewan) 22/3/37 19/3/37
23/3
23-3-37
BNR 23.3.37

O.S. 387/36-37 Dir of Sdl. Bdrs 5?
(Dir of S.O. Factory)

Law File No. 26 of 1937. | General and Revenue Secretariat

Serial No.

From

The Dir of S.O. Factory.

Letter no 107, dated 20th July '37

Forwards a copy of Govt Advocate's letter, and requests orders of Govt regarding the action to be taken against Mr B. Sitaramachar and also the transfer of the decree to Shimoga.

143 Govt Advocate's letter to the Dir of Sandalwood oil Factory (Flag V) is for perusal wherein he has proposed certain course of action towards Execution proceedings.

144 The Dir of S.O.F. requests orders of Govt regarding the action to be taken against Mr B. Sitaramachar, and about the transfer of the decree to Shimoga to proceed against the properties of the 9th defendant now in the hands of his legal representatives.

Submitted.

3/7

145 Action will have to be taken as suggested by the Government Advocate in paragraphs 1 and 2 of his letter (Flag V). Transfer of the decree to a district Judge's Court appears becomes necessary, only if

U. J. 35/30-31 H. Ct. Bloor 50/
(Sir Y & S & C & Development Syndicate.)

General and Revenue Secretariat

Law File No. 26 of 193. [App. F. III–2

Serial No.

666
26.7.37

OFFICE OF THE SECOND MEMBER OF COUNCIL.
2 JUL 1937
NO 924

Mr. B. Sitharamachar has been residing within the jurisdiction of this Court

BKR 26.7.37

Gen. Secy.)

146) Yes Please submit to Dev Secy and 31/7/37)

BKR 31.7.37

Dev. Secy)

(1) 3/17

147) I enquired from Dr Shelley that Dr. Sita Ramachar has no property of any kind. It appears his health has also broken down and he is very weak under such circumstances it is a question whether proceedings may be taken against him at present.

Secretary

2.8.37.

BKR 2.8.37

148) It would not serve any purpose in the circumstances, to execute the decree against Sitaramachar.

149) As regards the 9th Defendant (Shamanna Chetty) the Director should address the Dy Coll. through the Dt. Collector to find out whether he has left any property that could be proceeded against

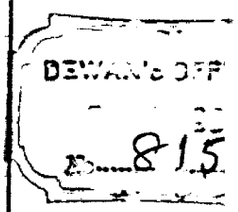
NOTE—Contn. Sheet.

O. S. 38/30-31 Dt. Ct. Bhora
(Dir~ q S.C. vs Syndicate)

Law File No. 26 of 1931

General and Revenue Secretariat

Serial No.



11/8/37
11.8.37
11.8.37

re Satisfaction of the decree

152) Subd with a dft for approval.
12/8

153) Dir~
12.8

Attnd no P. 9.5 as is o 27

From

The Dir~ q S.O.7.

Letter no 269, dated 27th Aug: 37

States that the Mysore Devpt Syndicate has no property, moveable or immoveable, that could be proceeded against

154) It is reported that there is no property, either moveable or immoveable belonging to the Syndicate.

155) As regards the execution of the decree against the 9th defendant (Shamanna Udupa), the Dir~ q S.O.7.

Serial No.

days that he has addressed the DC Shimoga in the matter, and that he will submit a Report on hearing from him. The same may perhaps be awa

3/9

(156) BKR 3.9.37

Dir A 3-9-37

From

The Dir v S.O.7

Letter no. 563, dated 23rd Nov. 1937

Forwards a copy of letter from the the D.C., Shimoga together with its enclosure, reporting about the properties of the legal representatives of Mr. Shamanna Udupa.

157 Refce para 149 supra.

The Dir v of S.O.7 has forwarded copies of correspondence on the subject together with a list showing the landed properties of Mr Shamanna Udupa (Flag C), orders of Govt are requested regarding the further proceedings.

Submitted for orders.

24/11

158 Reference Member's minute in para 149.

159 It is now reported that the 9th defendant (deceased) owns properties worth about Rs 50,000/-. There is no information however, if they are encumbered to any extent. The Govt Advocate may be requested

Executing of decree in O.S. 38/30-31 on the file of the Dist Judge, Bkar (Dir. of I & C Rs Deptt Syndicate) 3153

Laws File No. 26 of 1931

General and Revenue Secretariat

Serial No.

..... to get take necessary Steps after the decree transferred to Shimoga where further proceedings against the properties of the deceased 9th Defts have to be taken.

BKR 24.11.37

160) Gen. Secy / Rmd 28/11/37

161) i/c Dy Secy / AW 25.11.37 BKR 25-11-37

162) e/c Member / Rmd 28/11/37 AW 30.11.37

163) Draft BKR 30/11/37

164) Subd with a dft for approval BB 30/11

165) Dftd BKR 30.11.37

To

The Govt Advocate

No. P. 2850, dated 2-12-37

Requests him to take steps to get the decree transferred to Shimoga.

(Copy to Dir. of I & C.)

Sd/- 2-12-37

GENERAL SECRETARIAT 25 NOV. 2903

37 No. 4023

Execution of decree in O.S. 38/30-31 Dt. U. Bhu
(Dir: of I & C W Deptt Syndicate
3388 3.

General and Revenue Secretariat

Law File No. 26 of 1937. [App. F. III—2

Serial No.

From

The Govt Advocate

Letter no. 414, dated 3rd NOV 1937

Request for the certified copy of the decree passed in the case sent with his letter no. 107, dated 10-8-37 for filing with the Exn Applin.

(6) Reference para 159 supra.

(7) The Govt Advocate requests for the certified copy of the decree passed in the case sent to this office for reference with his letter no 107, dated 10-8-37, for filing it with the Execution Application.

The copy of the decree in question was got for reference in connection with the apportionment of fees between the Counsels who conducted the case. The same is available in the linked file (Flag H.)

(8) A draft forwarding the same is submitted for approval or orders.

6/12

DSME
15/12

execution of decree in O.S. 38/30-31 of ch. B'lore
(Dir of Sgt vs Dept Syndicate)

File No. Law 26 of 1931. | General and Revenue Secretariat

21 APR 1938
2888

From

The Dir of S.O.T.

Letter no 4393, dt 14-4-38

States that the Govt Advocate has reported about the transfer of the above decree to the Court of the Dist Judge, Shimoga, and requests that needful instructions in the matter may be issued to the P.P., Shimoga.

10 Notice of the transfer of the decree may perhaps be awaited before issuing the instructions to the P.P.

Submitted for orders.

SS 20/4

11. A fresh execution application has been filed in the Shimoga District Judge's Court. The Director of Industries & Commerce will be requested to take necessary action in consultation with the P.P., Shimoga

BSKR 20.4

Gen. Secy 21/4

BSKR 21.4

The Dev Secy

Soc Member

Fin Member

22/4/38

JPR 23/4

Dev 26/4 BSKR

20 APR 1938
6091

OFFICE OF THE FIRST MEMBER OF COUNCIL
DATE 22 1938
No. 7563

5941 V 84

execution of decree in O.S. 38/30-31, Dt. Ct. Bhe
(Dir.r of I & C to the Mysore Deposit Syndicate)

General and Revenue Secretariat | File No. Law 20 of 1931 | [App. F. III—2

Serial No.

172)

Subd with a draft for approval to the Dir.r of I and C

B
27/4

I/the
RKR
27/4

To

The Dir.r of I & C

No. P. 5994, dy 29-4-38

States that the decree has been transferred to the Shimoga Dist. Judge's Court, and Requests him to take necessary action

Copies to (1) Dir.r of S.O.T.

(2) The P.R., Shimoga.

4440 V 976.

Execution of decree in O.S. No. 38 of 30-31 on the file of the District Judge Bangalore

(Director of Industries, Commerce vs Deputy Sprinkle)

File No. of 193 | General and Revenue Secretariat

Letter No. 74 dated 22nd August 1940 from Director Sandal oil factory, requesting ... in the matter of the purchase ... properties put up for sale on the 16th October 1940

173 A list of properties brought for sale and the encumbrance certificate ~~of the~~ properties are also enclosed for reference and relevant The value of the properties have also been given.

Next Hearing date. 18th October 1940. Yes/No and Y.

174) The request of the Director ~~Factory~~ Sandal oil factory is submitted for orders.

Rule 19/8.

175) The amount due to Govt is about Rs 80,000/. The properties of the D'dgr is said to be valued at Rs 49,035/. These are attached & as the properties are put up for sale x list for the properties but does not give the Survey numbers. But Copy of the Assessment list-gives the Survey numbers, & if 'y' encumbrance certificate is compared with the assessment list & the 'x' list, we find that some of the properties have been alienated in one way or other, at y 27 items. The value of the alienated items is not more than Rs 4000/- Barring these items, the Govt may purchase the rest of the items, if there are no other bids offered at the sale.

Asst Secretary. 3

28/8/40

Serial No.

(b) 2nd applications may be filed in the case and properties purchased in court auction. The Public Prosecutor has to see that the proper valuations are sent for the properties in the bid application and permission obtained for setting off the decree amount towards the sale price according to the amount allowed by the Court in the order of permission to bid.

I Member) Hm 21/8/40

3 23/8/40

177) The Dy. commissioner may be consulted as to whether it is worthwhile Govt buying any of these properties

Hm 23/8/40

Hm 23/8/40

178) Put up a draft as in A above.

S. O. Secretary & Consult the D.C.

3 23/8/40

179) Draft to the Director, Sandalwood Oil Factory submitted for approval.

Hm 3 26/8

26/8

P. 1213 issued to Director Sandalwood oil Factory dated 28th Aug 1940.

Letter No. 249 dated 28th Sept 1940 from Director Sandal Oil Factory.

AUG 22 1940 No 1892

TYPING SECTION 26 AUG 1940 GEN. & REV. SECTT.

Pus A

NOTE—Contn. Sheet

4160 2201

Execution of decree in O.S. No. 33 of 30-31 on the file of the District Judge, Bangalore. (Director of Industries and Commerce vs. Revel Government Syndicate)

File No. of 194 . | General and Revenue Secretariat

Serial No.

Of letter received by him from the D.C. Shimoga stating that it is not worthwhile to purchase the properties on behalf of Govt.

180) The letter by the Sub Division Officer Sagar Division in the matter is also enclosed for reference

181) The Deputy Comr Shimoga District was Consulted in the matter of the purchase of the properties on behalf of Govt, in the above case, as per order in para 177 supra and he is of opinion that it is not worthwhile for Govt to buy any of these properties

182) P.U.D.I is submitted for orders.

Skurk 11/10

"Issue Para 1

183) The D.C.'s Opinion is submitted for perusal

Law Secretary) 3 14/10

I Member) Hm 2 10/10/40

3 14/10

54) 9 0 The D.C. 4 4/10/40

Hm 2 15.10.40

3 1

185) Draft to the Director, Sandal oil Factory submitted for approval

Skurk 15/10.

OCT 14 1940 3615

Date of Sale 18th October 1940

2343 p 340 √38

Tel. Address : "SANDAL" MYSORE.
Telephone No. 362.

GOVERNMENT OF MYSORE.

URGENT.

No. 297 Bacl.

FROM

Office of the Director,
Sandalwood Oil Factory, Mysore.

Dated .....7th October..... 1940.

S. G. Sastry, Esq., B.A., M.Sc.(Lond.),
~~KXPXXKHXXXXXXXXXXXXXXXXX~~
Director, Sandalwood Oil Factory.

To H.V. Narayana Rao, Esq., B.A., B.L.,
Secretary to Government, Law Department

Sir,

Re. execution case No.1/38-39 against Mr.B. Sitaramachar and others on the file of the District Judge, Shimoga.

--

In inviting your kind reference to my letter No.249 dated 28th September 1940 in connection with the above case, I have the honour to request you to kindly obtain early orders of Government regarding the purchase of the properties brought for sale on 18.10.1940.

I have the honour to be,
S i r,
Your most obedient servant

S Bootay
Director.

1940
Submitted for perusal. A reply to the driller has been issued from this office on 15/10/1940. (vide this office letter Nag! V')
Law T/10
Mrs. C
ATK) 187) No further papers seen necessary
17/10/
7.10.40

---

letter no. 2012/ dated 29th November 1940 from the executive sandal oil factory requesting return of the enclosures forwarded with his letter No 249 dated 28th September 1940.
88) Submitted with a draft for approval or other
ord
D/U/
SR

on 3rd December 1940 to the Director sandal wood oil factory returning the enclosures received with his letter dated 28th Sept. 1940.

Execution case no 1 of 1934 on the file of the District Judge Shimoga against Mr. N. Chiramachar and others.

File No. of 194 | General and Revenue Secretariat

Serial No.

Letter no 2833/19 dated 25th January 1941 from the Director Sandal wood Oil Factory requesting specific and final orders of Govt in the matter under reference.

189) As per orders contained in paras 148 & 149 supra, execution proceedings in the above case are being taken against the 9th defendant by bringing his properties for sale

190) The properties were brought for sale on 18th October 1940, and instructions were then issued to the Director and the PP Shimoga stating that it is not worthwhile for Govt to buy any of the properties brought for sale since they were all stated to be heavily encumbered.

191) The Director Sandal wood Oil Factory in his present letter dated 25th January 1941 states that the public prosecutor Shimoga District had to pay fresh process fee for sale in the case to prevent the execution proceedings from being dismissed and that once again the case is posted for resale to the 21st February 1941 of the same properties

192) The Director of the Sandal wood oil Factory requests that orders of Govt may be obtained for regularising the action taken by the PP Shimoga in paying fresh process fee for resale and also solicits final orders in the matter under reference

Recd 29/1 193) It is seen difficult for Govt to give a final reply in this case. It is for the Director & the P. Prosecutor

Execution case on this file 1.1.20

o/c 1st junior Subordinate Judge Tiruvarur

General and Revenue Secretariat	File No.	of 194	[App. F. III-2

Serial No.

Even if any property can be released or any plea in
Sale of the properties in Execution of the Decree
of the P. Bo. definitely say that there are no
sources available from which Govt can realise
the decretal amount, then Govt can
file a Civil Suit on the basis of that statement

[illegible] It is the Public Prosecutor and the
Director, who have to decide as to the progress
of the execution of the decree. The Government in
their previous order of 16th October 40 have
merely agreed with the opinion of the D.C.
That it is not worthwhile to purchase the attached
properties in auction on behalf of Government.
That order does not prevent the Public Prosecutor
to bring the properties to sale and realise
as much as possible. If no bidders come
forward on that day, the Public Prosecutor
has to take such steps as may be allowed
available to the decree holder under the Civil
Procedure Code

4439-5/7/41

Ex Case no 1 of 38-39 on the file of the D. J. Shimoga
against Mr B. Seetharamacha

e No. of 194

General and Revenue Secretariat

Serial No.

19) Draft to the Director, Sandal wood Oil Factory submitted for approval

Kulle 31/1

31/1/41

P.3979/ issued to the Director Sandal wood Oil Factory, Mysore

Letter no. D.5-358/30-31 dated 12th June from the Director of Industries requesting instructions of Govt in the matter & Rto filing a fresh execution application in the above noted case

19a) The director of industries and commerce requests to be informed if in the circumstances stated by him, the fresh execution application sent to him for signature by the P.M. Shimoga may be served by him and returned to the P.M. for taking further action in the matter

19b) Submitted for

Kulle 3/7

20) The Ld. Asstt may be pleased to file
The Director may sign it & send it
to Govt Please for further orders

Law Secretary 3

20) The attention of the Director may be drawn to ~~Settle~~ order dated 31-1-41: 3/7/41

Kulle 4/7/41

3

5/7/41

"L" / Hdraft to the Director of Industries and Commerce is put up for approval.

Kulle 5/7

20a)

3

5/7

P.112 / issued on 15th July 1941 to the Director of Industries & Commerce.

7201/WS 2345 4961
Execution case no. 1/38-39 on the file of the District Judge Shimoga against M/s B Seetharamachar — Execution case no. 2/40-41 on the file of the D J Shimoga.

General and Revenue Secretariat | File No. of 194 | [App. F. III—2

Serial No.

5436

Letter no. D. 6-358/30-31 dated 29th Oct. 1941 from the Director of Industries & Commerce forwarding a report in regard to the case referred to above.

204) It is submitted that the main file has been sent for reference to the Development Department and has not yet been received back.

205) The further report from the P.W.D. Shimoga is stated to be awaited by the Director of Industries & Commerce in regard to this case.

206) Further communication from the Director of Industries and Commerce will be awaited.

207) Await further report.

8/11 — 8/11

Letter no. D. 5-358/30-31 dated 11th March 1942 from the Director of Industries & Commerce requesting that instructions of Government may be communicated as regards the further proceedings to be taken in the above case.

208) Submitted. The file will be sent to the Development department (I. & C. Branch) for putting up for reference and return the file containing the letter of the D.C. Shimoga referred to in para 1 of the P.W.D.

19/3

209) May be seen by the Hon'ble Minister for Public Works.

210) Seen by the Hon'ble Minister for Public Works on 17/3 [illegible]

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—25-10-41

4961 24/1

Execution Case no 1 of 1938. 3 on the file of the District Judge Shimoga — now 2 of 1940-41

File No. Director of Industries & Commerce Mysore Shimoga of 194

General and Revenue Secretariat.

Serial No.

211) Connection S.F. 185-41 may kindly be got from the records.

24/3 By 24.3

212) Reference is invited to paras 9 to 23 of the notes of the 29-7 file no 185-41 placed below

213) Reference is invited to paras 189 to 195 supra containing the orders of Govt in regard to a similar reference made by the Director of Industries and Commerce and to the letter dated 18th February 1941 issued in this behalf to the Director of Industries & Commerce

214) If approved the Director of Industries & Commerce will be intimated ~~accordingly~~ ~~for~~ ~~information~~ ~~occasion~~ to decide the ~~be~~ for himself the best course of action to be taken in consultation with the P.W.D. Sec.

215) Submitted for order

Secn 24/3

216) The attention of the Director may be drawn to Hy N letter. It is only when the Director finds that the case of the Govt of India is irrecoverable that orders of Govt should be sought and obtained & not till then

Sd. Illegible 3

4961 J6847

(Government of B. Seet achar)

General and Revenue Secretariat — File No. — of 194 — [App. F. III—2

Serial No.

218) A draft reply to the Director of Industries & Commerce is sent up.

Revell 30/3

219) For approval

Miller) 3 30/3/42

220) For perusal

Minister (in Law) Hm 2 30/3/42

221) Hm 3 30/3/42

30/3

Hm 3 31/3/42

3 31/3/42

P. 4508/ dated 31st March 1942 issued to the Director of Industries and Commerce in Mysore

Letter no. D 6-358/30-31 dated 18th June 1942 from the Director of Industries & Commerce seeking instructions in the matter of paying for the process for bringing properties of Shamanna Udupa for sale.

Reference is invited to paras 212 to 221 of the notes supra and orders are solicited regarding the instructions to be issued to the Director of Industries & Commerce

SECY. L. DEPT. 30 MAR 1942 GOVT OF MYSORE

OFFICE OF THE MAR 30 1949 9951

(Govt. US. 5 Sec ... 21-7-0[illegible])

On the file of the Dr... ... Shimoga.

File No. | of 194 . | General and Revenue Secretariat.

informed the Director, that in case the fund that the amount due by M/s B. Sivaramaiah is irrecoverable, & that steps are to be taken available to Govt. to get the amount due, then the Director may recommend to Govt. that the same & be written off. In reply to this, the Director is seeking instructions how Govt. in the matter of the. As the Director's responsibility to find out if the amount can be recovered or not. This may then again be intimated to him & his attention drawn to letter Dept. dated 7th V. & N. written to it

Asst Secretary 3
19/6/42

Yes 19/6/42
Intimate as above
3
19/6/

& reply to the Director of Industries & Commerce. is put up for approval

Issued 3
24/6/

Serial No.

P.5728/ dated 22nd June 1942 issued to the Director of Industries & Commerce stating that he may act upon instructions already issued to him.

Memo no. P.5729/dated 22nd June 1942 issued to the P.W. Shimoga forwarding copy of letter addressed to the Director of Industries & Commerce

SECY. LAW DEPT. S.370 19 JUNE 1942 GOVT OF MYSORE

In reply please refer to
No. 657

OFFICE OF THE GOVERNMEN
N: MYSORE,

Bangalore, ...1..... .a..h... *193* 7.

From

The Government Advocate
in Mysore, BANGALORE.

To

GENERAL SECRETARY
18 MAR. 1937

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Sir

In continuation of this office letter No.617 dated the 3rd March 1937, I have the honor to state that Original Suit No. 38 of 1930-31 on the file of the Additional District Judge, Bangalore, (The Director of Industries and Commerce in Mysore VS. The Mysore Development Syndicate) came on for hearing on the 13th instant when arguments were heard and the case was concluded. The Court passed a Decree against Defendants 1 and 2 and the Legal Representatives of Defendant No.9, for the amount prayed for in the Plaint, less the sum of Rs.10,000/- already paid into the Court by the other Defendants when the suit as against them was compromised.

I have the honor to be,
Sir,
Your most obedient servant,

Mirle Narasimhanarasappa,
Government Advocate.

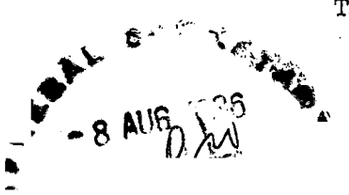
In reply please refer to
No. 113

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Gov
of H. H. The Maharaja of Mysore,
BANGALORE.



In continuation of my D.O. letter No. 52 dated th July 1936, I have the honor to state that Original Suit No. 38 of 1930-31 on the file of the District Judge, Bangalore Division, (The Director of Industries and Commerce in Mysore VS. The Mysore Development Syndicate) which was for hearing on the 5th instant stands adjourned to the 31st instant.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

CSN/1.

SANDALWOOD OIL FACTORY,

Bangalore, 30th July 1937.

21 or

Law 26-31

CONFIDENTIAL.

22

FROM

S.G. Sastry, Esq., B.A., M.Sc., (Lond.) F.C.S.,
Director, Sandalwood Oil Factory
Bangalore.

M. Venkatesiengar, Esq., M.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Sir,

I have the honour to invite your kind reference to letter No.657 dated 18th March 1937 addressed to you by the Government Advocate in Mysore, Bangalore, regarding the decree passed by the Additional - District Judge in O.S. No.38 of 30-31. The Government Advocate was requested to proceed with the execution proceedings in respect of the recovery of the decreed amount. For the information of Government, I submit herewith copy of his letter dated 15th July 1937 requesting - instructions in respect of items Nos.1 & 2, i.e., the action to be - taken against Mr. B. Sitaramachar and also the transfer of the decree to Shimoga. I request you kindly to obtain orders of Government, - regarding the above.

In para 3 of his letter, he has requested me to intimate the nature of the properties owned by the Syndicate. So far as we know, this - company had no properties. The Deputy Commissioner, Mysore District, has been, however, requested to make comfidential enquiries and report.

Letter No.54 dated 14/15th July 1937 from the Government Advocate in Mysore, Bangalore to the Director of Sandalwood Oil Factory in Mysore, Bangalore.

In continuation of my letter No.857 dated the 26th June 1937 re. decree passed in the case against the Mysore Development Syndicate, I have the honour to state that I wish to know whether so far as the defendant No.2 that is, Mr. B.Sitaramachar is concerned, it has to be executed by getting him arrested or his properties attached. If so, we shall have to apply for the transfer of the decree to the District Court, Mysore.

2. So far as the legal representatives of the 9th defendant are concerned the decree has to be proceeded against the properties of the 9th defendant in their hands, which are probably to be found in Shimoga District. Transfer of the decree will eventually have to be made to Shimoga for that purpose.

3. So far as the Defendant No.1 is concerned that is the Mysore Development Syndicate, if you can mention the nature of the properties, I shall let you know the appropriate relief to be sought for.

4. After receiving your reply, I shall send an Execution Application for signature and the needful being done.

Director of Sandalwood Oil

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 905

Bangalore, Dated, 12th August 1937.

From

The *General Secretary to the Government of His Highness the Maharaja of Mys*

To

The Director of Sandalwood Oil Factory,

Bangalore

Sir,

Re: the execution of the decree passed in O.S.55/30-31 on the file of the Additional District Judge, Bangalore (The Director of Industries and Commerce VS The Mysore Development Syndicate).

With reference to your letter No.107, dated 20th July 1937 in regard to the above, I am directed to state that it is brought to the notice of Government that Mr.B.Sitaramachar (2nd defendant in the above case) has no property of any kind and that his health also is broken down. In view of this it would not serve any purpose to execute the decree against Mr.B.Sitaramachar.

As regards the 9th defendant (Shamanna Udupar) I am to request you to address the Deputy Commissioner, Shimoga District, and find out whether he has left any property that could be proceeded against in satisfaction of the decree.

I have the honour to be,

Sir,

Your most obedient servant,

BNR

For General Secretary to Government.

SB

Appendix

SUBJECT .....

.....

.....

Section Law

File No. 26 – 31

Serial No.

No. P905

Diary No. of letter replied to.....

To

The Dir: of Sandalwood Oil Factory.

General and Revenue Secretariat

( )

the *193*

Date of issue 12.8.37

Signed by Dr. BKR

List of enclosures.....

Copied by .....

Examined by.....

the execution of the decree passed in Re: L.O.S. 38/30-31 on the file of the Addl. Dist. Judge, Bangalore (The Dirr of Ind: & Commerce Vs The Mysore Sandl Oil Syndicate.)

Sir,

With reference to your letter no. 107, dated 20th July '37 in regard to the above, I am directed to state that it is brought to the notice of Govt. that Mr. B. Sitaramachar (2nd defendant in the above case) has no property of any kind and that his health also is broken down. In view of this it would

would not serve any purpose
to execute the decree against
M/s B. Sitaramachar.

As regards the 9th defendant
(Shamanna Udupa) I am to request
you to address the Deputy Comm'r,
Shimoga Dist and find out whether
he has left any property that could
be proceeded against in Satisfaction
of the decree.

SANDALWOOD OIL FACTORY,

Bangalore, 15th April 1937

No. 2397

OFFICE OF THE
SECRETARY TO MEMBER OF COUNCIL
20 MAR 1937
NO 7461

FROM

S.G. Sastry, Esq., B.A., M.Sc., (Lond.) F.C.S.,
Director, Sandalwood Oil Factory,
Bangalore.

To

V. Vedavyasacharya, Esq.,
Offg. Secretary to the Government of Mysore,
Development Department, BANGALOR:

S i r,

Further to my letter No.2224/1 dated 18th/19th March 1937, I have the honour to state that the sum of Rs.10,000, has been received this day from the Government Advocate in Mysore, Bangalore, by means of a Court cheque No.13 dated 3rd April 1937, which has been remitted to Treasury for - credit to:

"15A. Industrial Deposits 28 Sandalwood Oil Factory Deposits".

This amount also counts towards the liquidation of dues from the Essenflour Products Ltd., against whom we hold a decree.

I have the honour to be,
S i r,
Your most obedient servant,

Director.

For perusal and directed file
Second mr
16/4/37
16.4.37

atk)

21/4/37

Sec C
21-4-37

21/4

21.4.37

21.4

Office of the Director
SANDALWOOD OIL FACTORY,

Bangalore, 27th August 193
Mysore

No. 269/2

CONFIDENTIAL

FROM

S.G. Sastry, Esq., B.A., M.Sc., (Lon
Director, Sandalwood Oil Factory,
~~Bangalore~~. My~

To

I. Venkatesiengar, Esq., M.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore
Bangalore

S i r,

Re. Execution of the decree passed in O.S. 58/36-31
on the file of the District Judge, Bangalore,
(The Director of Industries & Commerce in Mysore,
VS.
The Mysore Development Syndicate.)

Refce.- This Office letter No.107/1 dated 20th/21s
July 1937.

Flag B.

With reference to the last para of the above letter, I have the honour to state that the Deputy Commissioner, Mysore, states in his D.O. letter to me dated 23rd August 1937 (copy enclosed) that there is no property, either moveable or immoveable, belonging to the Syndicate that could be proceeded against in satisfaction of the decree. I am sending a copy of this letter to the Government Advocate, with reference to para 3 of his letter dated 14/15th July 1937, copy of which was forwarded to you under cover of my letter under reference. I request further instructions in the matter.

As directed in para 2 of your letter No.P.905 dated 12th August 1937, the Deputy Commissioner, Shimoga, has been requested to let me know if the 9th defendant in the above case (Shamanna Udupa) has left any property that could be proceeded against in satisfaction of the decree. I shall submit a report on hearing from him in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Director

D.O. Letter No.TC.14/37-38 dated 23rd Aug, 1937 from the Deputy Commissioner, Mysore Dt., Mysore, to the Director of Sandalwood Oil Factory Mysore.

With reference to your D.O. letter No.(106 dated 21st July 1937, I enclose herewitl report in original received from the Amilda: Mysore Taluk, Mysore, intimating that the - Syndicate owns no property either moveable (immoveable to be proceeded against.

******

"Copy"

B.S. Iyengar

For Director,
andalwood Oil Factory.

Copy of confidential D.O. No.1/37-38 dated 22nd August 1937 from the Amildar, Mysore Taluk Office, to the Deputy Commissioner, Mysore District, Mysore.

With reference to your D.O. letter No.TC.14/37-38 dated 20th inst., calling for a report regarding the properties belonging to the Mysore Development Syndicate, I beg to report that from the enquiries made by me, it is ascertained that the above Syndicate which was not a registered Company was started about 20 years ago by nine persons including Messrs. Mandi Hariyanna, B.K. Garudachar, Ramalinga Mudaliar and the late Vardhamaniya, each contributing Rs.1,000/- as a starting fund. This amount was spent in about a year or two on propogandist and other activities. The Syndicate was responsible for the formation of several business concerns like Essenflour Co., Asbestos Co., and Sri Krishna Rajendra Mills, of which only the last one is now surviving.

Later, the Essenflour Co. took up the agency for the sale of the Government Sandalwood Oil and its Managing Director (B. Sitaramachar) was tried and convicted for having misappropriated a large amount of the sale proceeds of Sandal Oil. In that connection, a Civil Suit was also filed against the Directors of the Syndicate and a compromise is said to have been effected by - recovering certain sums from some of the Directors of the Syndicate The details of recovery effected may be available with the Government Advocate or the Public Prosecutor who conducted the Civil Suit.

In conclusion, I beg to state that it is ascertained that this Syndicate is now a defunct Institution and has no property (either moveable or immoveable).

******

"Copy"

B.S. Iyengar

For Director,
Sandalwood Oil Factory.

SANDALWOOD OIL FACTORY,

Mysore.
~~Bangalore~~ 23rd November 1937

No. 560/3

CONFIDENTIAL.

FROM

S.G.Sastry Esq., B.A., M.Sc.(Lond.)
Sandalwood Oil Factory,
Mysore. ~~Bangalore~~.

Confl
To
Lawsec
XXX 24/11/37
DRR

M. Venkatesiengar Esq., M.A.,
General Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Sir,

Re: Execution of the decree in O.S.No.38/30-31
on the file of the District Judge, Bangalor

Director of Industries & Commerce in Mysore,
vs.
The Mysore Development Syndicate.

In inviting your kind reference to the 2nd para of my letter No.269 dated 27-8-37, I have the honour to forward herewith copy of letter No.C.C.10/37-38 dated 26-10-37 together with its enclosure received from the Deputy Commissioner, Shimoga District, regarding the properties of the legal representatives of late Mr.Shamanna Udupa.

I request you kindly to obtain early orders of Government regarding the further proceedings.

I have the honour to be,

Sir,

Your most obedient servant,

Director.

Copy of letter No.C.C.10/37-38 dated 26th October 1937 from the Deputy Commissioner, Shimoga District, to the Director of Sandalwood Oil Factory in Mysore, Bangalore.

With reference to your confidential letter of the 23rd September 1937 and a subsequent reminder dated 11th instant thereto, calling for particulars of properties belonging to the legal representatives of the late Mr.Shamanna [illegible] be proceeded against in satisfaction of a decree amounting to Rs.80,000/-, I have the honour to forward herewith, in original, the report No.C.C.18/37-38 dated 21st October 1937 of the Amildar, Hosanagar Taluk, along with a list of the landed properties showing the probable value of the same.

Copy of letter No.C.C.18/37-38 dated 21st October 1937 from Mr.D.R.Chennarudraiya, Amildar, Hosanagara, to L.Muniswamy Esq.,B. Sub Division Officer, Sagar.

With reference to your confidential memo No.C.C.1/37-38 dated 31-8-37 directing me to report regarding the properties belonging to late Shamanna Udupa of Nagar I beg to state that I made confidential enquiries and as a result thereof I have enclosed a list herewith, giving details of landed property, buildings and sites belonging to the late Mr.Shamanna Udupa and his Thippiah Udupa. The two sons of Shamanna Udupa namely Manjappa Udupa, and Venkatramana Udupa (minor) are living with their uncles Messrs.Srinivasa Udupa and Thippiah Udupa as members of a joint family at Nagar. The connected papers are returned herewith.

Serial No.	Names of village.	Garden. A	Garden. G	Valuation.	t +Dry A.	t +Dry G.	Valuation. A.	Valuation. G.
1.	Sutha.				20	9	2,300-	0- 0
2.	Guddekoppa.	0	12		36	11	1,080-	0- 0
3.	Kyrugunda.	0	12		3	7	150-	0- 0
4.	Haniya.	2	33		10	14	3,250-	0- 0
5.	Balekoppa.				27	16	1,080-	0- 0
6.	Hosur.				7	11	210-	0- 0
7.	Mavinakoppa.				38	23	1,140-	0- 0
8.	Kodase.	5	21		279	10	8,000-	0- 0
9.	Hebburli.	2	10		4	3	120-	0- 0
10.	Andagadodur.				7	9	210-	0- 0
11.	Ryave.				0	30	25-	0- 0
12.	Brahmana Tharuve.	5	2		45	7	1,350-	0- 0
13.	Mudugoppa.				62	23	3,100-	0- 0
14.	Brahmanavada.	4	35		17	35	510-	0- 0
15.	Kadiggeri.				20	5	600-	0- 0
16.	Basavana Byana				46	22	1,380-	0- 0
17.	Kabale.				46	22	1,380-	0- 0
18.	Byse.				30	29	900-	0- 0
19-	Kilandoor.				12	37	360-	0- 0
20.	Ganganakoppa.				3	13	90-	0- 0
21.	Adagodi.				20	36	600-	0- 0
		21	5	10,500	744	12	27835-	0- 0

Assessment of Bagayat, wet and dry lands, belonging to the late Shamanna Reddiya and his brothers. 2402/:

Bagayat lands may be valued at Rs.300/: per ame on an average.

Buildings and sites.

1. ನಗರವ್ಯಾಪ್ತಿಕರವು	5,000- 0- 0
2. ~ ವಿಲೇವು	1,500- 0- 0
3. ~ ಲೈಸೆನ್ಸ್ ಶೈಲೆಗೆ ಇರುವವು	500- 0- 0
4. ಶೈಂಗಿನ ಸರಕಾರ ಖಾ. ನಂ. 210	2,000- 0- 0
5. ಶೀಲಾಸ್ಟು ಆಫೀಸಿಂಗ್ ಲಿಮಿಟೆಡ್-71	1,500- 0- 0
6. ಖಾಲಿ ಜಾಗೆ-156.	200- 0- 0
	10,700- 0- 0

Total value. Rs.49,035

" Copy."

M B Swamy
Director,
Sunderraj Oil Factory.

Sd. D.R.Chennarudraiya,
Amildar, Hosanagara.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Proc & Law 26-31. Bangalore, Dated, 2nd ~~1st~~ December 1937.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Government Advocate,
Bangalore.

Sir,

Subject:- Execution of the decree passed in O.S. No.38/30-31 on the file of the District Judge, Bangalore (Director of Industries and Commerce vs. The Mysore Development Syndicate)

With reference to para 2 of your letter No. 34, dated 14/15th July 1937 to the Director of Sandalwood Oil Factory on the above subject, I am directed to request you to take necessary steps to get the decree transferred to Shimoga where further proceedings against the properties of the -- deceased 9th defendant has to be taken. Report of the action taken may be sent in due course.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- M. Venkatesa Iyengar,
General Secretary to Government

Memo No. P285-7 2-12-37

Copy of the above is forwarded with compliments to the Director, Sandalwood Oil Factory.

By Order,

for General Secretary to Government.

TRM.3

Appendix F G—1]

SUBJECT .....

.....2.....

.....

tion Laws

No. 26

Serial No. —

Diary No. of letter replied to.....

No. P 2850.

To

The Govt. Advocate

General and Revenue Secretariat

( )

the *193*

Subject :— Execution of the decree passed in O. S. No 38/30-31 on the file of the Dist. Judge, Bangalore (Dir. of Industries & Comm. Vs The Mysore Develpt. Syndicate)

Date of issue.....2-12-37.....

Signed by Dr. BKR.

Sir,

With reference to para 2 of your letter no. 34, dated 14th/15th July 1937 to the Dir. of Industries and Commerce on the Sandalwood oil factory Flag H.

the above subject I am directed to request you to take necessary steps to get the decree transferred to Shimoga where further proceedings in respect of properties of the deceased of the

ist of enclosures.....

opied by .....

2/12/37

xamined by.....

In reply please refer to
No. ..... G.A. .....

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, ...3rd..... December..... *1937*

FROM

Mirle N. Lakshminaranappa, Esq., B.A., LL.B.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

GENERAL SECRETARY.
4 DEC. 1937

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore
BANGALORE

SIR,

Re: Execution of the Decree passed in O.S.
Suit No. 38 of 1930-31 on the file of the
Additional District Judge, Bangalore, (The
Director of Industries & Commerce in Mysore
VS The Mysore Development Syndicate)

With reference to your letter No. P.2850/Law. 26-31, dated the 2nd December 1937, I have the honor to request that the certified copy of the Decree passed in the above case, which was sent to you with this office letter No.107 dated 10-8-1937, may kindly be returned to me immediately, as it is required for filing it with the Execution Application in Court.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

GOVERNMENT OF HIS HIGHNESS THE MAHA MYSORE

General and Revenue Secretariat

Bangalore, Dated, 6th December 1937.

Ms. P2924. Law 20-37
Cue 1

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Government Advocate in Mysore,

galore.

Sir,

Subject:- O.S.38/30-31 on the file of the District Judge, Bangalore (Director of Industries and Commerce VS. The Mysore Development Syndicate) Execution.

With reference to your letter No.414, dated 3rd December 1937 requesting for the certified copy of the order passed in the above case, I am directed to forward herewith the same as desired.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government

mk.

Appendix F G—1]

SUBJECT .....

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Section Law

File No. 26 -

Serial No.

Diary No. of letter replied to.....

No. Prgm/Encl one

To

The Govt Advocate

General and Revenue Secretariat

Subject: O.S. 38/30-31 on the file of the Dist. Judge, Bangalore (Dirg Industries and Commerce Vs The Mysore Dept. Syndicate.) Execution

Date of issue 7.12.37

Sir,

Signed by Mr. BKR.

With Reference to your letter no. 414 dated 3rd Dec: 1937 Requesting for the certified copy of the decree passed in the above case, I am directed to forward herewith the same as desired.

List of enclosures.....

Copied by .....

NI

for Genl Secy.

Examined by.....

WD 0521—GPB—30,000—12-3-37

FROM

Mirle N. Lakshminaranappa, Esq., B.A.,
~~A.R. NAGESVARA IYER, Esq., B.A.,~~

GOVERNMENT ADVOCATE IN MYSORE,
BANGALOR

To

The Director,
Sandalwood Oil Factory, MYSORE.

Re: Ex. No. 84 of 1937-38/O.S. No.38 of 1930-31 on the file of the District Judge, Bangalore Division, (The Director of Industries and Commerce in Mysore -VS- The Mysore Develobme Syndicate).

In continuation of this office letter No.584 dated the 4th February 1938, I have the honor to state that in the above case, orders were passed on the 25th March 1938, transferring the Decree to the Court of the District Judge at Shimoga for further proceedings.

I have the honor to be,
Sir,
Your most obedien_ _ervan

SD/- MIRLE N. LAKSHMINARAN

Government Advocate.

CSN/1.

Memo No. 730

Dated, Bangalore 2nd April 1938.

Copy of the ab)rwarded with compliments to the General Secretary to G t, for information.

Government Advocate.

5/4

Office of the Director,
Sandalwood Oil Factory, Mysore.

Camp.Bangalore, *Dated* 13th April 193 8.

14

K. SASTRY, Esq., B.A., M.Sc. (Lond.),
Director, Sandalwood Oil Factory.

M. Venkatesiengar, Esq., M.A.,
General Secretary to the Government of Mysore,
Bangalore.

GENE
15 APR. 1

Sir,

Re.Ex.No.84 of 1937-38/O.S.No.38 of 1930-31 on the file of the District Judge, Bangalore Division, (The Director of Industries & Commerce in Mysore, VS.The Mysore Development Syndicate).

I have the honour to state that I have received an advice No.729 dated 2.4.1938 from the Government Advocate stating that in the above case orders were passed on the 25th March 1938, transferring the Decree to the Court of the District Judge at Shimoga for further proceedings. I beg to request that the Public Prosecutor, Shimoga, may kindly be instructed to take needful further action in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Director.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

ited, Bangalore, 20th April 193 8.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Director of Industries and Commerce in Myso
Bangalore.

Sir, Subject:- O.S.No.38/30-31 on the file of the District Judge, Bangalore (The Director of Industries and Commerce VS. The Mysore Development Syndicate)

I am directed to state that the decree passed in the above case is reported to have been transferred to the Court of the District Judge, Shimoga, and to request you to take necessary action in consultation with the Public Prosecutor, Shimoga.

I have the honour to be,
Sir,
Your most obedient servant,

Sd.M.Venkatesa Iyengar
General Secretary to Government.

p.t.o.

Memo No. P5995-6 Dated, Bangalore, the 28th April 1938

Copy of the foregoing is forwarded with compliments to the Director of Sandalwood Oil Factory in Mysore.

Public Prosecutor, Shimoga.

By Order,

For General Secretary to Government.

Appendix F G—1]

SUBJECT .....

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Section Laws

File No. 26 - 31

Serial No.

No. P 5994

Diary No. of letter replied to.....

To

The Dirr q I and C.

General and Revenue Secretariat

( )

the *193*

Subject :- O. S. No 38/30-31 on the file q the Dist Judge, R'lore (The Dirr q I and C Vs The Mysore Development Syndicate.)

Sir,

Date of issue..... 29.4.38

Signed by ..... Mr. BKR

I am directed to state that the decree passed in the above case is reported to have been transferred for further proceedings, to the Court q the Dist Judge, Shimoga, and to request you to take necessary action in consultation with the P. P. Shimoga

I have etc.,

List of enclosures.....

Copied by ..... MCY/DCY

Examined by.....

No. P 5995-6 BKR

& 29.4.38 for Gen. Secy.

WD 0521—GPB—30,000—12-3-37

Copies to (1) Dirr q S.O.I

(2) P. P., Shimoga

1914 p 83

No. 218.

Enc

GEN. & REV. SECRETARIAT
20 SEP. 1938
PROTECTOR

OFFICE OF THE PUBLIC PROSECUTOR,
Shimoga DIVISION,
DISTRICT OFFICE BUILDINGS,
Dated at Sep 1938
18th

FROM

The Public Prosecutor,
Shimoga Division,
Shimoga

To

The Additional Secretary to the Government of Mysore, (Law Section) Bangalore

SIR,

Subject :— Ex. No. 1/38-39 (Director of Industries and Commerce vs. Mr. Seetharama Char and others) on the file of District Judge, Shimoga.

I have the honour to state that the above case has been adjourned to 4-11-1938 for Services of fresh notices as the Court fee payment challans ~~...Cus~~ former notices were received in time

ed to 23-12-38.
sth Dec: '38
11 Sept. '39.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor

WD 03485—GBB—900—30-8-38

SANDALWOOD OIL FACTORY.

Mysore
~~Bangalore~~, 5th August, 193 9

From

S. G. Sastry, Esq., B.A., M.Sc.(Lond.),F.C.S.,
Director, Sandalwood Oil Factory,
Bangalor

To

J. Appaji Gowda, Esq., B.A.(Hons.),
General Secretary to Government,
Bangalore.

S i r,

Ex. case No.1/38-39/O.S.38 of 1930-31 - District Judge- Bangalore - on the file of the District Judge - Shimoga.

Director of Industries - Vs. Mr.B.Sitaramachar and others.

With reference to your memo No.P.5994-6 dated 29th Apr: 1938, on the above case, I have the honour to report for the information of Government that an execution application was filed on 11th July 1938 by the Public Prosecutor ~~in the District Judge~~ in the - District Judge's court, Shimoga. I submit herewith a copy of his letter No.112/39-40 to the Director of Industries and Commerce suggesting that we can ask for the attachment and sale of the right title and interest of the 9th defendant only in the properties. The case is adjourned to 11th August 1939. I have replied to the Director of Industries and Commerce accordingly in the affirmative

tted for perusal.

I have the honour to be,
S i r,
Your most obedient servant,

Letter No.112/39-40 from the Public Prosecutor, Shimoga, to the Director of Industries & Commerce in Mysore, Bangalore.

Re: Exl/38-39 Director of Industries -Vs.B.Sitaramachar and others on the file of the District Judge, Shimoga.

With reference to your letter No.D.2.358/30-31 dated 24-7-1939, I have the honour to inform you that the Amildar, Hosanagar Taluk has after local enquiry in his letter No.G.C. 11/30-40 dated 22-7-1939 reported that 9 (a) and 9 (b) Srinivasa Udupa and Krishna Udupa are the undivided brothers of late Shammanna Udupa the 9th Defendant who has died undivided and that they and his sons are living jointly. We are therefore only ask for attachment and sale of the right title and interest of the 9th defendant in the properties.

Please let me have a reply in the matter. The case is posted to 11-8-1939 for our reply. Thanking you for an early action in the matter.

No. 2636
Encl. 1

Office of the Director,
Sandalwood Oil Factory, Mysore.

Dated 5th January

FROM

S. G. SASTRY, ESQ., B.A., M.SC. (Lond.),
Director, Sandalwood Oil Factory.

GENERAL SECRETARIAT
8 JAN. 1940

To

J. Appaji Gowda Esq., B.A.(Hons.)
General Secretary to Government of
Mysore, Bangalore.

Sir,

Ex: Case No.1/38-39/O.S.38 of 1930-3:
on the file of the District Judge
Shimoga.

Director of Industries vs Mr.B.Sitarama-
-char and others.

In inviting your kind reference to my letter No.581 dated 5th August 1939 in connection with the above, I have the honour to forward herewith copy of letter No.488 dated 21st November 1939 received from the Public Prosecutor, Shimoga, stating that the case is posted to 8-1-40.

I have the honour to be
Sir,
Your most obedient serv

Director.

Copy of letter No.488 dated 21st November 1939 from the Public Prosecutor, Shimoga, to the Director, Sandalwood Oil Factory, Mysore.

Re: Ex.1/38-39 on the file of the District Judge, Shimoga.

With reference to your letter No.2002 dated 18-11-39, I have the honour to state that I had asked for attachment of the properties of Judgment debtor and paid process for attach warrant and the case was posted to 22-9-39 for the issue of warrant. The properties were attached on 17-11-39. Now I have asked for the sale of attached properties. The case is posted to 8-1-40 for t sale. The sale of the same will be intimated to you aft the sale is held.

Director,
Sandalwood Oil Factory

Tel. Address: "SANDAL" MYSORE
Telephone No. 362.

GOVERNMENT OF MYSORE.

No. 79 / 1 file & papers
Encl.

Office of the Director,
Sandalwood Oil Factory, Mysore.

Dated 2nd August *19*40.

FROM

K. Parthasarathi, Esq., B.A.,
~~Director, Sandalwood Oil Factory, Mysore.~~
Director, Sandalwood Oil Factory.

To

J. Appaji Gowda, Esq., B.A., (Hons.),
General Secretary to Government, Bangalore.

GENERAL SECRETARY
6 AUG. 1940

SIR,

Re. Ex. case No.1/38-39 against Mr.B.Sitaramachar and others on the file of the District Judge, Shimoga.

I have the honour to invite your kind reference to my letter No.2636 dated 5th January 1940 regarding the above case and to state that I have received a communication from the Public Prosecutor, Shimoga Division, Shimoga, stating that the immoveable properties of the judgment debtor viz., late Mr. Shamanna Udupa, have been attached and the case is posted to 18th October 1940 for the sale of the said properties by auction.

The Public Prosecutor, Shimoga, has addressed me a letter a copy of which I submit herewith for the information of Government, in which he suggests the desirability of purchasing the said properties of late Mr.Shamanna Udupa and others in the auctions, in view of the fact that huge amounts are due to Government in the above case.

At my request the Public Prosecutor, Shimoga, has sent me a schedule of properties, etc., that have been attached and that would be put up for auction on the 18th Octr.1940. An abstract of these properties and their value are as under:--

21 villages:-

	Acres. Guntas.	Valuation.
Garden.	21 - 5	Rs.10,500/-
Wet & Dry lands.	744- - 12	27,835/-
	...	10,700/-
	value:--	Rs.49,035/-

I request you to kindly obtain early instructions of Government in the matter whether or not the Government will be interested in the purchase of these properties. I submit herewith the valuation list and the encumbrance certificate, etc. received from the Public Prosecutor, Shi which may kindly be returned to me when done with, as they are ~~received~~ required by the Public Prosecutor.

I have the honour to be,

S i r,

Your most obedient servant,

Director.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated, Bangalore 28th August 1940.

No. P. 1213/Law
Enc. Three

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
LAW DEPARTMENT.

To

The Director,
Sandalwood Oil Factory,
MYSORE.

SUBJECT: Regarding the Ex-Case No.1/38-39 against Mr.B.Sitharamachar and others on the file of the District Judge, Shimoga.

Sir,

With reference to your letter No.79 dated 2nd August 1940 soliciting instructions of Government in the matter of the purchase of certain properties brought for sale in the above case, I am directed to request you to ascertain from the Deputy Commissioner, Shimoga District if it is worthwhile for Government to buy any of the propertie brought for sale and to communicate to Government his opinion in the matter at an early date.

2. The file of papers forwarded with your letter under reply is herewith returned to be ex resubmitted to Government along with the reply from the Deputy Commissioner, Shimoga District.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO GOVERNMENT,
LAW DEPARTMENT.

Appendix F (G—1)

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No

Serial No.

No.

To

The Director,
Mysore Oil Factory
Bangalore.

Re:- Ex. case No. 1/38-39 against Mr. B. Sitharamachar and others on the file of the District Judge, Shimoga

Sir, with reference to your letter No. 79/ dated 2nd August 1940, soliciting instructions of Govt. in the matter of the purchase of certain properties brought for sale in the above case, I am directed to request you to ascertain from the Deputy Commissioner Shimoga district if it is worthwhile for Govt. to buy any of the properties brought for sale, ~~and~~ and to communicate to Govt. his opinion in the matter, at an early date. The file of papers forwarded with your letter under reply is herewith returned, to be resubmitted to Govt.

Tel. Address: "Sandal" Bangalore.

SANDALWOOD OIL

IMMEDIATE

~~Bangalore~~ 28th S
Mysore

No. 249 Enc.

51

FROM

K. Parthasarathi, Esq.,B.A.,
Director, Sandalwood Oil Factory,
Mysore ~~Bangalore~~

To

H.V. Narayana Rao, Esq.,B.A.,B.L.,
Secretary to the Government of Mysore,
Law Department, Bangalore.

Sir,

Re. Execution case No. 1/38-39 against Mr.B.Sitaramachar and others on the file of the District Judge, Shimoga.

With reference to your letter No. P. 1213/ Law dated 28th August 1940 on the above subject, I have the honour to forward herewith copy of letter No.L.Dis.M.1.C.666/40-41 dated 26th September 1940 together with its enclosures in original received from the Deputy Commissioner,Shimoga District, stating that it is not worthwhile to purchase the properties on behalf of Government.

I have the honour to be,
Sir,
Your most obedient servant

Letter No.L.Dis.M.1.C.666/40-41 dated 26th September 1940 from the Deputy Commissioner, Shimoga District, Shimoga to the Director, Sandalwood Oil Factory. Mysore.

Re. the execution case No. 1/38-39 on the file of the District Judge, Shimoga.

In continuation of this office No.M.1.C.666/40-41 dated 13th September 1940 on the above subject, I have the honour to state that the Sub Division Officer, Sagar, who was consulted i the matter reports in his letter No.R.1 62/156/40 dated 17-9-40 that it is not worthwhile to purchase the properties on behalf of Government, as there is no chance of making any profit from the lands after meeting the encumbrances and that the managemen of the lands on behalf of the Government may not be possible as is only the right, title and interest that have to be purchased The enclosures are herewith returned.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated, ~~Bangalore~~ Mysore, 16th October 1940

No. P 57/Law

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.

Law Department.

TO

The Director of Sandalwood Oil Factory in Mysore,

M Y S O R E.

Sir,

Subject:- Execution case 1/33-39 against Mr.B.Seetharamachar and others on the file of the District Judge, Shimoga.

With reference to the correspondence ending with Mysore letter No.249/ dated 28th September 1940 on the above subject, I am directed to state that Government agree with the opinion of the Deputy Commissioner, Shimoga District and think it not worthwhile to purchase the attached properties in auction on behalf of Government.

Further progress taken by the Department in the matter may be intimated to Government at an early stage.

I have the honour to be,
Sir,
Your most obedient servant,

Sd.H.V.Narayana Rao
Secretary to Government,
Law Department.

Memo No. P 58 Dated, ~~Bangalore~~ Mysore, the 16th October 1940

Copy of the above is forwarded to the Public Prosecutor, Shimoga District, for information.

By Order,

For Secretary to Government
Law Department

Tel. Address: "SANDAL" MYSORE.
Telephone No. 36

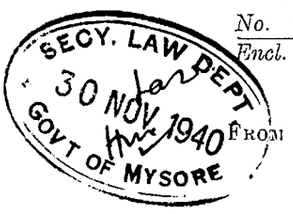
GOVERNMENT OF MYSORE.

3344 P&O

Office of the Director,
Sandalwood Oil Factory, Mysore.

Dated 26th November 1940.

No. 2012/19
Encl.



FROM

S. G. SASTRY, Esq., B.A., M.Sc. (Lond.),
Director of Sandalwood Oil Factory.

To

H.V.Narayana Rao Esq., B.A., B.L.,
Secretary to Government ofMysore, Law Department,
Bangalore.

SIR,

Re: Execution case No.1/38-39 on the file of the District Judge, Shimoga.

I have the honour to invite your kind reference to your letter No.P.57/Law dated 16th October 1940 regarding the above and ~~would~~ request you to kindly arrange for the return of the enclosures forwarded with my letter No.249 dated 28th September 1940 as these are required by the Deputy Commissioner, Shimoga Dt, for making further enquiries regarding particulars of other properties belonging to the judgment debtor.

I have the honour to be.

S i r,

Your most obedient servant,

S Boofry 29

Director.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated, Bangalore, 3-2 December 1940.

No. P288
Secl. Records

FROM

The Secretary to th

To

The Director,
Sandalwood Oil Factory,
Mysore.

Re: Execution Case No.1/38-39 against Mr.B.Sitharamachar & others on the file of the District Judge,Shimoga.

Sir,

With reference to your letter No.2012/19 dated 29th November 1940 on the above subject, I am directed to return herewith the enclosures sent to Government with your letter No.249 dated 28th September 1940.

I have the honour to be,

Sir

Your most obedient servant,

for Secretary to Government,
Law Department.

Section

File No.

Serial No

Diary No. of letter replied to.....

No. P2868/Revenue

To

General and Revenue Secretariat

The Director

Sandalwood Factory

Ulsoor

Date of issue 8/12/40

Signed by Mr. K.P.P

Sir

Case no: 1/38

Against one B. Subramanaiah, Towners on the file of the District Judge, Shimoga.

I refer to your letter no: 2012/19 dated 29th November 1940 on the above subject, I am directed to return herewith the enclosures sent to you with your letter No. 2449 dated 28th September 1940.

I have etc

for Secretary to Govt Revenue Dept

List of enclosures.....

Copied by .....

Examined by .....

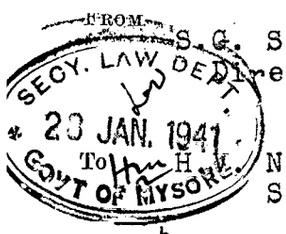
WD 03695—GPB—30,000—29-1-40

443924
P 264

Tel. Address : "SANDAL" MYSORE.

Sandalwood Oil Factory,

Musore, ...25th January... 1941.



From S.G. Sastry, Esq., B.A., M.Sc.(Lond.),
Director of Sandalwood Oil Factory, Mysore.

To The Hon'ble H. Narayana Rao, Esq., B.A., B.L.,
Secretary to Government, Law Department
Bangalore.

2811

Sir,

Ex. Case No.1/38-39 on the file of the District Judge, Shimoga, against Mr. B. Sitaramachar and others.

I have the honour to inform you that Government had directed that we should proceed against any of the properties of late Mr. Shamanna Udupa in Shimoga District. The Deputy Commissioner, Shimoga District, reported that the properties that were available were not worth purchasing by Government and the Government agreed with this view.

(His Office letter R 7/12/8/37 Hag T) (Hag H)

In the meanwhile, the Director of Industries & Commerce informs me that the Public Prosecutor, Shimoga, had already paid fresh process fee for the resale of the properties and that the sale has been fixed for 21.2.41. The Public Prosecutor states that if he had not done so, the execution of the decree would have been dismissed.

In this connection, I submit herewith for the information of Government a copy of letter No.D.6./358/30-31 dated 4.1.41 from the Director of Industries & Commerce in Mysore, informing that specific orders of Government are necessary to regularise the action of the Public Prosecutor and for bringing the property once again for sale. I also submit herewith copy of my letter No.2690/19 dated 18th January 1941 addressed to the Director of Industries & Commerce, which is self explanatory.

This case along with one or two associeted cases seems to be prolonging from year to year with no prospect of any satisfactory conclusion being arrived at.

The property now brought for sale has been reported by the Deputy Commissioner, Shimoga, as worth nothing to us and the Government have concurred in this view. It will be a great help if final orders of Government are passed on this reference.

I have the honour to be,

S i r,

Your most obedient servant,

S.G. Beatty

Director.

SGS:ATK)

Copy of letter No.D6/358/30-31 dated 4th January 1941 from the Director of Industries & Commerce in Mysore, Bangalore, to the Director of Sandalwood Oil Factory, Mysore.

Ex. Case No.1/38-39 on the file of the District Judge, Shim against Mr.B.Sitaramachar and others.

With reference to your letter No.2441/19 dated 27-12-1940 on the above subject, I have the honour to request you to be so good as to obtain instructions of Government in the present stage of the case in view of the fact that there are no other properties of the judgment debtor as per the report of the Deputy Commissioner, Shimoga.

The Public Prosecutor, Shimoga, wants instructions if the process fees, etc. may be incurred by him for having the properties auctioned again on 16.1.1941. Though the Governmen do not want to bid in the auction, they have not definitely ordered that the properties in question should not be brought to auction sale again by us. I consider that specific orders of Government are necessary on the above two points and trust that you might have taken action already in the matter. The favour of an early reply is requested.

Copy of letter No.2690/19 dated 18th January 1941 from the Director of Sandalwood Oil Factory, Mysore, to the Director of Industries & Commerce in Mysore, Bangalore.

--

Refce.- Your letter No.D6/358/30-31 Encl.1 dated 7.1.41.

I have the honour to inform you that the Deputy Commissioner, Shimoga District, has already stated that the property that comes for auction on 21.2.41 is not worth bidding for on behalf of Government. Subsequently the Deputy Commissioner has also reported that there do not seem to be any other properties belonging to the party that may be proceeded against.

I have not got anybody in the factory who is conversant with the methods of securing bidders for a court auction. Even for the sake of formality, if somebody is sent from the factory to Sagar, he will feel an utter stranger there. Since the Director of Industries and Commerce is in charge of this case, as receiver, he may kindly direct the Superintendent of Industries, Shimoga Division, who would know the local conditions at Sagar to secure bidders. In the alternative, the Director of Industries & Commerce may write to the Revenue Authorities of the locality that they should help to secure bidders, since the Government of Mysore are interested in this case.

Director,
Sandalwood Oil Factory.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 18th February 1941.

No. P3979

From

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore.
Law Department.

To

The Director,
Sandalwood Oil Factory in Mysore,
Mysore.

Sir,

Subject:- Execution Case No. 1 of 1938-39 on the file of the District Judge, Shimoga against Mr. B. Sitharamachar and others.

With reference to your letter No. 2833/19/2, dated 25th January 1941 on the above subject, I am directed to state that it is for you and the Public Prosecutor, Shimoga District to decide as to what further steps are to be taken in the Execution proceedings of the decree under reference. The orders of Government communicated to you in this office letter No. P. 57 dated 16th October 1940 in this behalf do not prevent the Public Prosecutor, Shimoga District from bringing the properties to sale and realising as much as possible out of the amount due to Government under the decree.

In case no bidders turn up to bid for the properties on the day fixed for sale, the Public Prosecutor, Shimoga District has got to take such further steps in the matter as may be available to the decree-holder under the provisions of the Civil Procedure Code.

I have the honor to be,
Sir,
Your most obedient servant,

19/2/41.

Secretary to Government,
Law Department.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193

Date of issue 1/2/41

Signed by Mr. N. V. N.

List of enclosur.....

Copied by.....

Examined by.....

Section

File No.

Serial No

No. P397;

To

The Director,
Sandal Wood Oil Factory
Mysore

Subject:- Execution case no. 1 of 1938-39 on the file of the District Judge, Shimoga, against Mr B. Sitharamachar and others.

Sir,

With reference to your letter no. 2833/19/2 dated 25th January 41 on the above subject, I am directed to state that it is for you and the Public Prosecutor Shimoga District to decide as to what further steps are to be taken in the execution proceedings of the decree ~~in Suit~~ under reference. The orders of Govt. communicated to you in this Office letter date P. 57 dated 16th Oct 40 in this behalf do not prevent the

Public Prosecutor Shimoga District from bringing the properties to sale and realising as much as possible out of the amount due to him under the decree.

In case no bidders turn up to bid for the properties on the day fixed for sale, the Public Prosecutor Shimoga District has got to take such further steps in the matter as may be available to the decree holder under the provisions of the Civil Procedure Code.

I have etc.

Mr Sanjeeva Rao Law Dept

720/41

Tele { Phone No.2004 / Grams—INDUSCOM.

In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE

GEN. & DEVELOPMENT SECTIONAL 14 JUNE 1941 5436

FROM

B.G.A. MUDALIAR, Esquire, B.A., B.Sc., A.M.I.Mech.E.,
Director of Industries and Commerce in Mysore, Bangalore.

SECT. DEVELOPMENT DEPT. 14 JUN 1941 GOVT. OF MYSORE

To

Veeranyana Chari Esq BA

~~M. VENKATESA IYENGAR, Esquire, M.A.,~~
Secretary to the Government of Mysore
Development Department, Bangalore.

No. D5-358/30-31 Dated 9th June 1941.

Enclosures Two in one

SIR,

Subject:--Case No.1/38-39 on the file of the --- Judge, Shimoga against Mr.B.Sitaramachar and Others.

****

P.W.D.11 in the file referred above Law 158-37

In continuation of the letter No.3288/19 dated 21st March 1941 addressed to you by the Director, Sandalwool Oil Factory and copied to this office) on the above, among other matters, I have the honour to send enclosed copies of letters No.1084 dated 22nd May 1941 and 1099 dated 31st May 1941 received from the Public Prosecutor, Shimoga Division, reporting that the Execution was dismissed on 30th May 1941 and the Court did not order that the attachment of --- properties should subsist for reasons mentioned. He also stated that if it is deemed that the execution is to be filed against, the enclosed Execution ~~petition~~ application may be returned to him signed by me. The reason why the properties could not be sold in auction is ~~undecided~~ that they are undivided and as such no bidders could be secured. It is also clear from the letters of the Public Prosecutor that the Deputy Commissioner appears to have no powers to divide the property and separate the portion relating to the judgment debtor so that the same may be arranged to be reauctioned by trying to secure bidders as had been suggested by me to the Public Prosecutor.

In the circumstances I solicit instructions of Government as to whether the fresh execution application received from the Public Prosecutor may be returned to him signed for further action. A copy

A copy of the final decree received from the Public Prosecutor is also enclosed.

I have the honour to be
Sir
our most obedient servant

DIRECTOR.

Copy of letter No.1084 dated 22nd May 1941 from the Public Prosecutor, Shimoga to the Director of Industries and Commerce in Mysore, Bangalore.

With reference to your letter D6-358/30-31 dated 10/12th April 1941 I have the honour to inform you that the Deputy Commissioner does not seem to have any powers to divide the properties and separate the portion relating to the judgment debtor fromthe rest ~~xfxk~~ in the absence of a civil court decree to that effect. It is open to anyone to purchase the share of the judgment debtor and then file a suit for partition.

The case is for 30th May 1941 and the Execution will probably be dismissed as this is already an old case. I shall, however, request the court to order that theattachment should subsist in case the execution is to be dismissed.

***

Copy of letter No.1099 dated 31st May 1941 from the Public Prosecutor, Shimoga Division, Shimoga to the Director of Industries and Commerce in Mysore, Bangalore.

O.S.38/30-31 against Shamanna Ud

In continuation of my letter No.1084 dated 22nd May 1941 I have the honour to inform you that the execution was dismissed on 30th May 1941 and the court did not order that attachment of properties should subsist on the ground that the court has no such powers and I have therefore sent herewith fresh execution application and I request you to kindly sign and return the same early, so that I may file the same and get the property attached once again. It was no doubt difficult to sell the properties ~~xxxxxxx~~ as the judgment debtor has only an undivided share and if you ~~think~~ think that the Execution will have to be filed again and attempts may be made once again to bring the properties for sale. I request you to kindly forward the Execution application duly signed very early so that I may take further action in the matter.

I have also enclosed herewith final decree copy for kind reference and return along with Execution application.

Thanking you for a very early compliance in the matter. In case the execution is not filed very early, the decree may be returned to Bangalore Court. In order to avoid further delay, request you to kindly sign the execution application and return early.

L. Thimmiah
for Director of Industries & Commerce

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, BANGALORE.

Original Suit No. 38 of 1930-31

Plaintiff:--The Director of Industries and Commerce in Mysore, Receiver of the Essen Flour Products Company, Ltd.,

VS.

Defendants:-The Mysore Development Syndicate, No.2 Lal Bagh Road, Bangalore City. 2. Mr.B.Seetharamachar, Weaver's Lines, Mysore, 9. N.Shamanna Udupar, Land Holder, Nagar, Shimoga District, since deceased by his legal representatives

(9) A.Srinivasa Udupar, (b) Krishna Udupar (c) Manjayya Udupar (d) Venkatarama Udupar minor by guardian 9. (c) Manjayya Udupar. Defendants 2 and 3 are parties in the Mysore Development Syndicate (1st Defendant)

Suit for a decree for Rs.77241-5-6 due according to accounts from 1-4-1923 to 30th June 1928 and Rs.13,903 interest thereon by way of damages at six per cent per annum from 30th June 1928, in all for Rs.91,144-5-6 with costs and current interest from date of suit till date of payment against the first Defendant firm and against the other Defendants herein and for such further or other reliefs as the Court may deem proper.

The suit was filed on 29th June 1931 and a partial decree against defendants 3 to 8 was passed for Rs.10,000 (Rupees Ten Thousand Only)

The suit coming on this day for disposal before G.Paramasiviah Esquire, B.A., LL.B., Additional District Judge, Bangalore Division, Bangalore in the presence of Mr.Mirle Lakshminaranappa, Advocate for the Plaintiff and of Mr.G.Srinivasa Rao, Advocate for the Legal Representatives of the 9th Defendant --- the defendants 1 and 2 being ~~ex parte~~ ex-parte and Mr.G.Sreenivasa Rao also retiring for want of instructions ; is ordered and decreed that the Plaintiff do recover from defendants one and two and also from the assets of the 9th defendant in the hands of the legal representatives defendants 9(a) to 9(d), Rs.81,144-5-6 (Rupees eighty one thousand and one hundred and forty four annas five and pies six only) with costs and current interest on the same at six per cent per annum from date of suit till date of payment.

And it is further ordered and decreed that the sum of Rs.2943-7. being the amount of costs incurred in this suit as per memodandum annexed be recovered by the Plaintiff from the Defendants one and two

and also from the assets of the 9th defendant in the hands of his legal representatives Defendants 9(a) to 9(d) with interest therein at 6 per cent per annum from this date unto the date of realisation

and the seal of the Court, this 13th day of March 1937.

(Signed) G.Paramasiviah
Addl. District Judge.

MEMO OF COSTS.

	By the Plaintiff			By the Defendants 1, 2 & 9		
Court fee on plaint	1745	0	0	0	0	0
" Stamp on applicati	2	4	-	4	8	0
" Exhibits.	0	0	0	0	0	0
Stamp on processes.	64	13	0	7	14	0
" Vakalat.	0	8	0	4	0	0
Advocate's fee.	00	0	0	00	0	0
Batta to witnesses.	30	14	0	57	0	0
Commissioner's fee	0	0	0	0	0	0
Costs of adjournment.	0	0	0	0	0	0
Fees for copying etc.,	0	0	0	0	0	0
Total	2943	7	0	1073	6	0

The Director of Industries and Commerce

in Mysore, Bangalore.

Subject: Execution Case No.1 of 38-39 on the file of the District Judge, Shimoga (Government -vs- B.Sitharamachar and others).

.....

With reference to your letter No.D5-358/30-31 dated 12th June 1941 on the above subject, I am directed to forward herewith for your information a copy of this office letter No.P.3979 dated 1st February 1941 addressed to the Director, Sandalwood Oil Factory, Mysore, conveying to him the orders of Government in this behalf.

The execution application received by you may be signed and sent to the Public Prosecutor, Shimoga District for taking such action in the matter as you deem fit.

I have the honour to be,

Your most obedient servant,

for Secretary to Government,
Law Department.

Appendix F G—1

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P 1121 Sec c

To

General and Revenue Secretariat

(

the *19*

The Director of Industries and Commerce in Mysore, Bangalore.

Date of issue..... 7/7/41

Signed by Mr. K.P.P

Subject:— Execution case no. 1 of 38-39 on the file of the District Judge Shimoga (Govt. vs B. Sitharamachar & others.

Sir

With reference to your letter no. D. 5-358/30-31 dated 12th June 1941 on the above subject, I am directed to forward herewith for your information a copy of this office letter no. P. 3979 dated 1st February 1941 addressed to the Director Sandal wood Oil Factory, Mysore, conveying to him the Order of Court in this behalf.

List of enclosures.....

Copied by 7/7/41

Examined by .....

WD 086—GPB—40,000—30-7-40

The execution application
received by you may be signed
and sent to the Public Prosecutor
Shimoga District for taking such
action in the matter as ~~he~~
~~deems fit~~ ~~as deem necessa~~

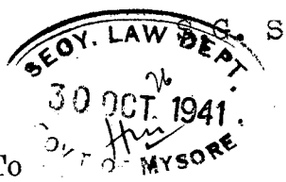
Phone No.2004
Grams—INDUSCOM.

In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

FROM



C. Sastry, Esq.,B.A.,M.Sc.(Lond),
Director of Industries and Commerce in Mysore,
Bangalore.

To

H. V. Narayana Rao, Esq.,B.A.,LL.B.,
Secretary to the Government of Mysore,
Law Department, Bangalore.

No. D 6-358/30-31

Dated Camp Mysore, 29th October 1941.

Enclosures

SIR,

Subject:- Execution Case No.1/38-39 on the file of the District Judge, Shimoga against Mr. B.Sitaramachar and others.

Reference:- 1. Government letter No.P. 3979 dated 1st February 1941 addressed to the Director of Sandalwood Oil Factory, Mysore.

2. Letter No. P. 112/Encl.1 dated 7th July 1941, addressed to the Director of Industries and Commerce.

I have the honour to state the following for the information of Government to keep them informed of the present stage of the case:-

The Public Prosecutor, Shimoga has filed an execution petition against the legal representatives of Mr. Shamanna Udapar. He states that only the undivided share of Mr. Shamanna Udapar can be sold. If at the sale no bidders are forthcoming the Government may have to purchase the undivided portion of Mr. Shamanna Udapar for whatever it is worth, after verifying that there is no previous encumbrance. After purchasing the property in the above manner another suit will have to be preferred for the partition of the property to define the share of Mr. Shamanna Udapar.

Government are aware that in this case the Bank of Mysore,Ltd. are interested. They also hold a decree against Mr. Shamanna Udapar's legal representatives. So far as this is concerned, the Public Prosecutor, Shimoga, has petitioned the Court that the claims of Government of Mysore should have a priority over the claim of

of the Bank of Mysore.

The Public Prosecutor has also stated that the legal representatives of Mr. Shamanna Udapar purchased in the Court auction recently some property belonging to one Mr. Malali Basappa. This property was purchased in satisfaction of a decree in favour of Mr. Shamanna Udapar in case No. O.S.12 25-26. The Public Prosecutor has applied for the attachment of this property also in the execution case now proceeding.

Government had called for remarks of the Deputy Commissioner, Shimoga District, on the application of Sri Krishnarajendra Mills. No reply has yet been received from the Deputy Commissioner.

The case had been posted for 17th October 1941 and I am awaiting further report from the Public Prosecutor

Phone No.2004
Grams—INDUSCOM.

In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

FROM

S. G. Sastry, Esquire, B.A., M.Sc.,(London),
Director of Industries and Commerce in Mysore, Bangalore.

To

H. V. Narayana Rao,Esquire, B.A., LL.B.,
Secretary to Government, Law Department, Bangalore.

No. D5-358/30-31 SECY. LAW DEPT. 11 MAR 1942 GOVT OF MYSORE Dated 10th March 1942.

Enclosures

SIR,

Execution Proceedings against Mr.B.Sitaramachar and others
(Execution case No.1 of 38-39 on the file of the
District Judge,Shimoga (now 2 of 40-41).

In continuation of my letter of even nunber dated 29/30th Octr. 1941 on the above subject, I have the honour to state that the Deputy Commissioner, Shimoga has since submitted his report to Government (Vide his No. Ml.C.906/41-42 dated 25th November 1941 addressed to the Secretary to Govt. Development, Development Department). He has expressed his concurrence with the opinion of his predecessor in office to the effect that it is not worth while for the Government to purchase th estion in Court --- auction in the circumstances stated.

2. I request you, therefore, to ki nstructions of Government for further proceedings bein se as the public Prosecutor, Shimoga District has to be advised early in this regard.

I have the honour to be
Sir
Your most obedient servant

CTOR.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19*

Date of issue..... 3/3/42

Signed by ..... Mr. K.P.P.

List of enclosures..... Flag VI

Copied by .....

Examined .....

Section

File No.

Serial No

No. P 4508/Exn.c

To

The Director of Industries and Commerce

in Mysore - Bangalore.

Subject:- Execution proceedings against Mr B. Seetharamachar and others in the Court of the District Judge, Shimoga.

Sir

With reference to your letter no D.S.-358/30-31 dated 10th March 1942 on the above subject, I am directed to invite reference to this office letter no P 3979/ dated 18th February 1941 addressed to the Director Sandal-wood Oil Factory, Mysore (Copy enclosed) in this connection and to state that a reference to Govt in the matter is

leaving the claim as irrecoverable, may be
rade only when you find that the amount
ue by the judgment debtor is irrecoverable.

I am therefore to request that all possible
teps as may be available to the decree holder for the reco
nder the Provisions of the Civil Procedure Code
nay be taken in consultation with the Public
rosecutor Shimoga District

Tels.—"INDUSCOM"

Immediate

DEPARTMENT OF INDUSTRIES AND COMMERCE.

OFFICE OF THE DIRECTOR,

Bangalore, dated the 17th June 1942

~~XXXXXX~~ No. D6-358/30-31/2 Encls

DEOV DI 18. JUN. 1942 GOVT. SEC. M. SHIV

From

The Director of Industries and
Commerce in Mysore, Bangalore.

To

The Secretary to the Government
of Mysore, Law Department, Bangalore.

Sir,

Subject:- Execution proceedings against Mr. B.Sitaramachar and others in the Court of the District Judge. Shimoga.

SECL. & REV. SECRETARIAT 19. JUN. 1942 PROTECTED

With reference to para 2 of your letter No. P.4508/Law dated 31-3-1942 directing that all possible steps be taken for the recovery of the amount due in this case, I have the honour to state that the right title and interest of the undivided family of late Shamanna Udupar situated in Sagar and Hosanagar Taluks were again brought to sale before the Sagar Munsiff Court on 22-5-1942 and all efforts were made to secure bidders by giving wide publicity to sale. No bidder came forward to bid, the main reason being that the proportionate rights to the properties of late Shamanna Udupar have to be ascertained and separately sold through the Court. Copies of the letters from the Public Prosecutor and the letter dated 30-5-1942 from the Superintendent of Industries, Shimoga Division are sent herewith for the information of Government.

Since Government have definitely ordered that the Government need not bid in the sale as it is not worthwhile doing so, I am unable to take any further action. The opinion of the Deputy Commissioner, Shimoga, in this case has already been communicated vide his letter No. M.C.C.906/41-42 dated 26-11-41 addressed to the Secretary to Government, Development Department.

I solicit very ~~early~~ immediate instructions of Government in the matter as the case is posted to 26-6-1942 and further process has to be paid by the Public Prosecutor at once if the properties have to be brought to sale again.

I have the honour to be,
Sir,
Your most obedient servant,

DIRECTOR

Letter No. 940 dated 11th June 1942 from the Public Prosecutor, Shimoga, to the Director of Industries and Commerce in Mysore, Bangalore.

Ex.2/41-42 against Shama udupar & others.

In continuation of my letter No. 903 dated 30-5-42, intimating the date of hearing in the above case, I have the honour to state that the Superintendent of Industries, Shimoga is of opinion that it is not possible to sell the right title and interest of the judgment debtor in the immoveables and it is also borne out from the fact that the properties could not be sold though put up for sale several times.

I have also intimated in my previous letters, that as we are executing this decree against the Legal Representatives of the judgment debtors, there is no other alternative method left open to us, than selling the right title and interest of the judgment debtors in the immoveable properties now attached.

I may also state for your information that the Sri Krishnaraja Mills have filed execution in Ex. 6/41-42 against the said judgment debtors in execution of their decree and the said execution case is also posted to 26-6-42 for getting the immoveables attached.

This case is posted to 26-6-42 and I have to pay fresh Process for sale in case we want to bring the properties for the sale again and I am of opinion that no useful purpose will be served by bringing the properties for sale as there is no likelihood of finding any bidders for the same. I therefore request you to kindly let me know whether I should pay the process for sale and ask for the sale of properties once again.

Thanking you for a very early reply in the matter.

"C o p y"

RS)

Director.

Appendix F G—1]

SUBJECT .....

.....

.....

Urgent

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P 5728

To

The Director of Industries and Commerce in Mysore, Bangalore.

General and Revenue Secretariat

( )

the *19*

Subject:— Execution proceedings against Mr ~~the~~ B. Setharamachar and others in the Court of the District Judge, Shimoga.

Sir,

Date of issue..... 2/6/42

Signed by ..... Mr. K.P.

With reference to your letter No. D 6-358/30-31 dated 18th June 1942 on the above subject, I am directed to invite reference to this office letter No. P. 4508/ dated 31st March 1942 ~~on the~~ and its enclosure and to state that instructions already issued to you in the matter may be ~~addressed to~~ followed upon.

List of enclosures..... Nil

Copied by .....

Examined by .....

balance of
In case, the accretal amount due from the
cannot be realized from any source,
~~and to be irrecoverable~~, ~~and that~~ there are
means is to
~~no sources available for Govt to realise the~~
~~amount~~, then separate proposals may be
submitted to Govt regarding the question
of writing off the same as irrecoverable

Thanks.

Sd

No PS729/22 6/62 to Secy to Govt Law Dept
Copy to PM Shimoga for information
and necessary action

Murder.

Secy to Govt Law Dept

In the Court of the District Judge, Bangalore.

O. S. No. of 1930-31.

Plaintiff.

The Director of Industries & Commerce - in Mysore, Receiver of the Essenflour Products Co., Ltd.,

vs.

Defendants.

1. The Mysore Development Syndicate, No.2 Lal-Bagh Road, Bangalore City.

Messrs.

2. B. Seetharamachar, Weavers' Lines Mysore.
3. G. K. Padmarajiah, Land-holder, Mysore.
4. V. Ramalinga Mudaliar, Contractor, No.2, Lal-Bagh Road, Bangalore.
5. M. Harianna, Merchant, Mamulpet, Bangalore City.
6. B. K. Garudachar, Merchant, Chikpet, Bangalore City.
7. S. Sajjan Rao, Merchant, Dodpet Bangalore City.
8. S. Parameswara Bhatt, Sowcar, Seeranahalli, Tirthahalli Taluk.
9. N. Shamanna Udupar, Land Holder, Nagar-Shimoga, Shimoga District.

Defendants 2 to 9 partners of the 1st defendant firm.

Plaint under Order 7, Rule 1, C.P.C.,

1. The address of the Plaintiff for service of notices etc., is that of his counsel, Mr. A.R.Nageswara Iyer, Advocate, Bangalore City.

2. The Director of Industries and Commerce has been appointed Receiver in O.S. 28/30-31 by this Hon'ble Court to collect the assets of the Essenflour Products Co., Ltd.,

Ltd., Bangalore, and to file suits for the realisati of the debts due to the said Company. He has, there fore filed this suit for recovery of the amount due the Essenflour Company by the Defendants.

3. The first defendant is a firm of which de- fendants 2 to 9 are some of the partners. The firm was doing business in Mysore till 1929, when its pla of business was transferred to Bangalore.

4. The Essenflour Co., Ltd., and the Mysore Development Syndicate had mutual open and current ac- counts with each other from 1-4-23 to 30-6-1928, as shown in the account patti herewith filed. A balance of Rs.77,241-5-6 is now due to the Essenflour Product Company by the Mysore Development Syndicate.

5. The 1st Defendant has practically stopped its business, but still it has not paid up the amount due by it to the Es r Company. Hence the suit.

6. The cause of action accrued on 30-6-1928 the close of the year, according to the accounts, in Bangalore City, where the 1st defendant Company has i place of business and where some of the partners re- side.

7. Defendant 1 and 4 to 7 are in Bangalore. - The other defendants are living in the Mysore and Shi moga Districts. The Plaintiff prays for permission to file the suit against them in this Hon'ble Court.

8. The Plaintiff is entitled to recover from

the defendants Rs.91,144-5-6 as follows:-

Amount due according to the accounts:-	...	Rs.77,241-5-6.
Interest by way of damages at 6 per cent. from 30-6-1928:-	...	Rs.13,903-0-0.
		Rs.91,144-5-6.

The value of the suit for purposes o Court Fee and Jurisdiction is Rs.91,144-5-6.

6. Prayer for Judgment.

The Plaintiff prays for a decree for - Rs.91,144-5-6, with costs and current interest from date of suit till date of payment against the first defendant firm and against the other defendants - herein and for such further or other reliefs, as the Court may deem proper.

I declare that what is stated above is true to the best of my knowledge, information and belief.

16.	"	Septr.	44	72-15- 6.
ov .16.	"	Octr.	55	72-15- 6.
30.	" Govt. Soap Factory a/c 10 cwts of - caustic Soada.		141	250- 0- 0.
ecr.16.	" Bank towards power charges		70.	72-15- 6.
	" Balance.			8,137- 3- 5.
				15,618- 8- 5.

24.

ny. 17.	" To Bank, contribution towards power charges for ecr. '23.		80.	72-15- 6.
16.	" " Jan.24.		92.	72-15- 6.
	" K.B.Navlankar's a/c. printing letter heads.		J.135	87- 3- 0.
h15.	"Contribution towards power charges for Febry.		100	72-15- 6.
115.	" " March.		113	72-15- 6.
14.	"Cash amount received fr m Sandal Oil Factory.		122	50- 0- 0.
15.	"Bank contribution towards power charges for April24.		123.	72-15- 6.
31.	Bank, transfer on a/c.		130.	10,200-0- 0.
16.	Contribution towards power charges for May.'25.		135.	72-15- 6.
30.	K.B.Navlankar's a/c. cable charges.		J.177.	44- 6- 7.

	Government Soap Factory a/c, caustic Soda as on 30-11-1923.	J.141.	6,801-14-10.
			13, 770- 9- 9.
	By Stoves a/c		1,847-14- 8.
	J.1.144.		5,618- 8- 5.

1924.

Jany. 1.	By balance.		8,137- 3- 5.
April.4.	" Power charges a/c. Energy for 15-6 Decr.'23. " 15-6 Jan. '24. " 15-6.Feb. '24.P.B.		
May. 2.	Power consumption a/c.March'24.		72-15- 6.
May.2.	" " Apr.. '24.	45.	72-15- 6.
15.	"S.O.F. Account.fire clay	J.112.	50- 0- 0.
June16.	" Power charges for May.	51.	72-15- 6.
30.	" Power charges for June.	56	73- 4- 8.
30.	"Messrs. Cox,Asphedent & Fletcher a/c drafts for 712-16-8- 10251-10-8. Bank charges 115-4-4		10,366-15-5.

ASSOCIATED PRODUCTS LIMITED

The Mysore Development Syndicate Account.

Month & Date.	Particulars.	Folio.	Amount.	Month & Date.	Particulars.	Folio.	Amount.
1923.				1923.			
May 1931.	To Messrs. Binny & Coy's account.	J.111	150- 8- 8.	April 1.	By Balance from Folio 36	from Vol.II.	6,666- 2- 11.
	To Balance amount of Bill Re: Suplhate of Ammonia.						
	" Balance.		6515-10-11.				
			6666- 2-11.				6,666- 2- 11.
June 30	To Balance.		6,605-15- 7.	June 1.	By balance.		6,515-10-11.
					"30th Power consumption a/c. contribution for June'31.	J.114.	66-10-10.
					"Library acc in the tran as on 30-6-	Difference of Rs.78-0-4	23- 9-10.
			6,605-15- 7.				6,605-15- 7.
July.18.	To Dandl Electric Energy for June 16.		66-10-10.	July. 1.	By balance		6,605-15- 7.
August.14.	" " July23.		66-10-10.	Aug. 1.	" consumpt	July. P.B. 1.	66-10-10.
				31.	" "	Aug. " 7.	77- 2- 0.
Octr.10.	" cheque received fro, Mr. Sastry on a/c of caustic soda.	43.	6,801-14-10.	Octr 2.	" "	Sept. " 10.	72-15- 6.
15.	"Bank Elec.energy for			Novr.2.	" "	Octr. " 14.	72-15- 6.

5.	"	" Transfer.	4.	5,200- 0- 0.
26.	"	" Power charges for Feb.'25.	5.	106-10- 6.
April.17.	"	" Transfer.	11.	8,000- 0- 0.
23.	"	" Power charges for March'25.	12.	106-10- 0.
May 16.	"	" " " April'25.	18.	106-10- 0.
20.	"	" Transfer.	18.	800- 0- 0.
June.30.	"	" Bank Transfer.	22.	1,500- 0- 0.
30.	"	" " "	22.	3,500- 0- 0.
				Rs. 42,818- 9- 0.

30.	Advertisement charges account incurred in New York in March and May.	J.227.	35-12- 0.
30.	B a l a n c e. b/d.		33,361-15- 1.
			Rs. 42,818- 9- 0

TO BALANCE. b/d. 33,361-15- 1.

New L. F- 5.

June. 30.	By Messrs. Coro, Sophelende & IV Batchs silk, books &c - previous balance.		182.	120- 4- 0.					
	" B A L A N C E:			8,125- 9-11.					
				19,065- 4- 6.					19,065- 4- 6.
1924.					1924.				
July 16.	" Bank. Power charges for June 1924.		146	73- 4- 8.	July. 1.	By balar			8,125- 9-11.
23.	" " Mr. H.S. Vore's draft		149.	1,622-14- 4.	Sept. 5.	Power chd es for July'24.		66	78-10- 0.
ug. 15.	" " Powercharges for July.		156.	78-10- 0.	10.	Power cha\s for ug.'24		67.	113-14- 0.
Sept.13.	" " " " Aug .		163.	113-14- 0.	Oct. 1.	"	Sept.'24	68.	124- 5- 4.
ct. 30.	" " " " Sept.		177.	124- 5- 4.	Nov. 8.	"	Oct.'24.	73.	125- 3- 5.
ov. 18.	" " " " Oct.		182.	125- 3- 5.	Decr. 1.	"	Nov.'24.	76	106-10- 6.
ec. 16.	" " " " Nov.		183.	106-10- 6.	1925.				
23.	" Bank transfer.			20,000- 0- 0.	Jan. 5.	"	Decr.'25	80.	106-10- 6.
31.	" " Mr. P.B.Mavlankar's a/c.		J.210.	15- 0-11.	" 5.	"	Decr.'25	80.	106-10- 6.
31	" " Cox, Aspden & Fletcher.		J.210.	25- 6- 1.	Feb. 5.	"	Jan.'25	84	106-10- 6.
925.					March 27.	"	Feb.'25	87.	106-10- 6.
an. 5.	" " Transfer.		195.	1,000- 0- 0.	April 3.	"	Larch.'25	88	106-10- 6.
20.	" " Power charges for Decr.		196.	106-10- 6.	May. 4.	"	pril '25	90.	106-10- 6.
arch.3.	" " " " " Jan		251	106-10- 6.	June. 2.	"	" May. '25	91	106-10- 6.

1927.				1927.			
April 1.	Brought forward.		81,211- 9- 6.	April. 5.	Brought forward.		3,055-14-11.
" 22.	To cash transfer.	141.	40- 7- 9.	May. 5.	By power consumption a/c. Power charges -		
May. 5.	" "	143.	100- 0- 0.		for April.	P.V.132.	106-10- 6.
				June. 15.	-Do- for May.	P.V.134.	125- 7- 3.
				" 30.	-Do- for June.	P.V. 135.	80- 1- 9.
				" "	By staff advance a/c. Advance paid to Mr. M.Raja Rao transferred.	J.L.314	400- 0- 0.
					By balance carried down.		77,583-15- 0.
	Total.		81,352- 1- 5.		Total.		81,352- 1- 5.
July. 1.	To balance brought for ard.		77,583-15- 0.	1927.			
Aug. 1.	To cash amount transferred.	157.	100- 0- 0.	Septr. 2?	By cash amount transferred.	161.	1,153-13- 6.
Oct. 1.	" " "	164.	100- 0- 0.	Decr. 31.	" Balance. C/D.		77,232- 1- 6.
Nov. 1.	" " "	168.	100- 0- 0.				
Dec. 1.	" " "	172.	100- 0- 0.				
" 31.	To Mr. K. V. Subbaiah's a/c audit fees.		403- 0- 0.				
	Total.		78,386-15- 0.		Total.		78,386-15- 0.
1928.							
Jany. 1.	To balance C/D		77,232- 1- 6.				
June.30.	To messrs. Henderson Fletcher						

				Total.	97,807-10-

1926.

June 30.	By power consumption a/c. amount short taken in bill for December 1925.				0- 3- 9.
	By balance.				74,027- 3- 9.
					74,027- 6- 9.

1926.

June 30.	" Balance brought down.				74,027- 6- 9.
				Total.	74,827- 6- 9.

1926.

Aug. 5.	By Power consumption a/c. Power charges for July 1926.		121.		106-10- 6.
Sept.5.	Do. for August'26.	"	122.		106-13- 6.
Oct. 1.	By cash transfer salaries.		108.		911-11- 5.
" 14.	" " "		110.		80- 1- 2.
" 21.	" " "		111.		36- 0- 0.
" "	By Power charges a/c.. Power charges for		125.		106- 10-6.
Nov.5.	" " Oct.'26.		126.		106-10- 6.
Decr.5.	" " Nov. 26.		127.		107- 0- 6.
" 31.	By Laxmipathy Rice Mill amount due to Rice Mill for husk supplied credited to E.D.C.	J.P-300.			762-13- 9.
1927.					
Jany. 5.	By Power consumption a/c. Power charges for Decr.'26.		128 P.R.		106-10- 6.
Feby. 5	For January 1927.		129-		141- 4- 7.
Mar. 15.	By cash transfer.		136.		300- 0- 0.
March15.	By power consumption a/c. power charges for Feby.'27.		131 P.R.		106-10- 6.
April.5.	-- do -- for March '27.		132.		106-10- 6.
					3,055-14-11.

1926.

July 1.	To balance b/f. from P. 6.				74,027- 3- 9.
16.	To Bank (Messrs. Binny & Co)		95.		200- 0- 0.
19.	" Cash (Bank)		95.		150- 0- 0.
Aug. 5.	" " "		96.		25- 0- 0.
" "	" " "		97.		2350- 0- 0.
" "	" " "		97.		100- 0- 0.
" 17.	" Bank (Power charges.		100.		611-14- 0.
" "	" cash.		101.		50- 0- 0.
Septr.3.	" Cash.		102.		100- 0- 0.
24.	" " (Transfer)		105.		33- 9- 0.
Oct. 23.	" " ("cash)		112.		1,000- 0- 0.
Novr.24.	" " "Bank transfer)		116.		34- 4- 0.
" "	" " "		---		612-14- 0.
Decr.29.	" Cash transfer.		123.		177- 1- 3.
1927.					
Jany. 15.	To Bank transfer.		126.		300- 0- 0.
" "	" "		127.		200- 0- 0.
" 19.	" transferred.		"		1,500- 0- 0.
" "	" "		119.		100- 0- 0.
" "	" "		120.		41- 4- 0.
" "	" "		"		80- 0- 0.
" "	" "		122.		37-15- 11.
Feby. 4.	" "		131		100- 0- 0.
" 22.	" "		132		250- 0- 0.
" "	" To Bank.		"		30- 7- 3.
Mar. 4.	To cash. Transfer.		134		1,000- 0- 0.
Mar. 11.	" "		138		100- 0- 0.
					81,211- 9- 8.

1925.

July. 1.	To balance B.F.	Old.L.F.	42.	33,361-15- 1.	July. 4.	By power consumption a/c. Bill No. 15 dated 1st Aug 1925 for July 1925.	P.C.96.	106-10- 6.
" 19.	To Bank. Power charges for May and June 1925.		25.	213- 5- 0.	Aug. 31.	By Power charges a/c. power charges for Aug.'25.	97	106-10- 6.
Aug. 6.	To Bank transfer.		29.	250- 0- 0.				
" 17.	" " Power charges for July'25.		30.	106-10- 6.	Oct. 7	" Power charge for Septr.'25.	99	106-10- 6.
" "	" Transfer.		"	359- 4- 3.				
" 27.	" Transfer.		33.	5,000- 0- 0.	Nov. 8	" " Oct. 25.	100	106-10- 6.
Septr. 8.	" Transfer.		35.	500- 0- 0.				
" 30.	" Transfer.		38.	1,000- 0- 0.	Dec. 1?.	" " Nov. 25.	104	106-10- 6.
Octr. 5.	" Transfer.		41.	8,000- 0- 0.				
" 26.	" Transfer.		44.	500- 0- 0.	1926.			
" 31.	" Transfer.		45.	1,750- 0- 0.				
Novr. 4.	" Transfer.		46.	5,500- 0- 0.	Jan. 4.	" Dec. 25.	105.	106-10- 6.
" 6.	" Transfer.		" .	300- 0- 0.				
" 14.	" Transfer.		47.	3,500- 0- 0.	Feb. 3.	" " Jan. 26.	107.	106-10- 6.
Dcr. 5.	" Transfer.		51.	1,000- 0- 0.				
" 15.	" Transfer.		53.	1,000- 0- 0.	March. 4.	" " Feb. 26.	111.	106-10- 6.
" 26.	" Transfer.		57.	600- 0- 0.				
					May. 10.	" Bank transfer.		81.15,000-0- 0.
1926.					" 14.	" Cash. "	83.	300-0- 0.
					" "	" Bank.	"	5,000-0- 0.
Jany. 5.	" Transfer.		59.	500- 0- 0.				
" 28.	" Transfer.		62.	3,500- 0- 0.	June. 30.	" Power consumption a/c. Power charges for 4 months viz. March, April, May and June 1926.	P.C.119.	426-13-0.
Febry.4.	" Cash		64.	482- 6- 0.				
April.16.	" Cash.		76.	611-14- 0.				
May. 27.	" Travelling expenses for going (R. for.)Rabour lines paid to Mr. Manuel.		85.	3-12- 0.	" "	Cash Transferred.	87.	2,000- 0-0.
June.11.	" Bank. Transfer.		88.	2,790- 0- 0.	" "	By balance carried down.		74,027- 6-9.
June.29	" Amount sent to Mr. Siva Rao.		89.	100- 0- 0.				
" 29.	" Transfer.		90.	250- 0- 0.				
" "	" Cash. Transfer.		97.	100 - 0- 0.				
June 30.	" Mr. P.P. Mavlankar's a/c. £ 2000/- transfered from London taken to their account.	J.F.26		1.26,528- 7-11.				

In reply please refer to
No. 3

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore....26th....January.....1932.

"JURIST," Bangalore.

From

The Government Advocate
in Mysore, BANGALORE.

SECRETARY
Law
JAN. 1932.

The Chief Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Sir,

Re: Original Suit Nos.38 & 39 of 1930-31 on the file of the District Judge, Bangalore Division. (The Director of Industries & Commerce in Mysore, Vs. The Mysore Development Syndicate & The sore Asbestos Co.,).

I have the honor to state that the above cases which were for hearing yesterday (25-1-1932) before the District Judge, Bangalore Dn. stands adjourned to the 9th February 1932, as a last chance to the Defendants to file their Written Statements.

I have the honor to be,
Sir,
Your most obedient ser---t

Government Advocate.

In reply please refer to
No. 609

Tel. address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore....11th....February.....193

From

The Government Advocate
in Mysore, BANGALORE.

To

The Chief Secretary to the Govt
of H. H. The Maharaja of ,
BANGALORE.

CHIEF SECRETARY
12 FEB. 1932

Sir,

Re: O. S. No. 38 of 1930-31 on the file of the District Judge, Bangalore Dn. (The Director of Industries & Commerce in Mysore, Vs. The Mysore Development Syndicate).

In continuation of this office letter No.563 dated the 26th January 1932, I have the honor to state that when the above case came on for hearing on the 9th instant, Defendants 3 to 7 filed their written statements which I am enclosing herewith for your information and kind return when done with. The case now stands adjourned to the 12th instant for the statements of Defendants 2 and 8.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

O.S.No.38 of 1930-31.

- - - -

The Director of Industries and Commerce in Mysore. PLAINTIFF

VS

1. The Mysore Development Syndicate
2. Mr.G.K.Padmarajiah, Landholder, Doddapet, Mysore. DEFENDANTS.

Under O.S. 11, C.P.C. the 3rd Defendant above named states as follows:-

1. The address of the third defendant is as given above.

2. This defendant is not aware:-

(i) that the plaintiff is appointed receiver in O.S.28/30-31 of this Court to collect the assets of the Essenflour Products Ltd.

(ii) that the first defendant firm was doing business in Mysore till 1929, subsequently at Bangalore, and that it has now ceased to do business.

(iii) that the first defendant owes anything to the Essenflour Products Ltd.,

3. This defendant understands that the Court of the District Judge of Mysore had already appointed one Mr.Ramalingam Mudaliar receiver of the Essenflour Products Ltd.,

4. This defendant does not admit that the Director of Industries and Commerce has any right or authority to file this suit and puts the plaintiff to the proof of it.

5. This defendant denies the correctness of the plaint account patti and puts the plaintiff to the proof of it.

6. This defendant denies the existence of mutual open and current accounts between the Essenflour Products Ltd and the Mysore Development Syndicate as alleged in para 4 of the plaint; and the plaintiff must prove the existence of a mutual open and current account. In any event the transactions alleged in the plaint do not bind this defendant.

7. This defendant is not a partner of the first defendant firm. Such right, title and interest as he had

in the first defendant firm was transferred lawfully and for good and valuable consideration to Mr.M.L.Vardhamanaiya on 2-8-1925. The Cornflour Products Ltd., and its Directors were perfectly well aware that this defendant had ceased to have any interest in the first defendant firm from that time. There is no cause of action against this defendant. He is not a necessary party to this suit. Further he cannot be impleaded as a party without obtaining the permission of the Court before hand.

8. This defendant never took part in the management of the first defendant firm or in carrying on its business.

9. This defendant cannot in any case be liable for any transactions of the first defendant firm after his interest therein had ceased on 2-8-1925 as stated in para 7 herein above. The transactions up to 2-8-1925 if any and whatever they were are all barred by time.

10. The suit is bad for non-joinder of parties. The legal representative of the late Mr.M.L.Vardhamanaiya have not been made defendants.

11. The suit transactions are beyond the scope and purpose of the first defendant firm and not binding on the defendants.

12. The authority under which the various items in the suit accounts are debited against the first defendant has not been referred to or made out.

13. In any event items beyond three years from the date of the filing of this suit are barred by time. Even otherwise the suit is not maintainable.

14. The defendants are not liable for the voluntary and unauthorised payments of the plaintiff company alleged to have been made for and on behalf of the first defendant firm. The Plaintiff must prove proper and binding authorisation for the same.

15. The various items in the plaint account patti of payments for which the defendants are sought to be made liable are beyond the scope of the plaintiff company and the scope, purposes and business of the first defendant firm; and in particular

(a) payments for electrical energy.

(b) transactions relating to Mr.Mavlankar, Manipatam Rice Bills, Cox Asphendent and Fletcher, Caustic soda and sandal oil, and

(c) other similar items,

for which defendants are sought to be made liable.

16. The managers and Directors of the first defendant firm had a controlling interest in and were the managers and Directors of the Essenflour Products Ltd., the plaintiff company; and from any acts of theirs in excess of the requirements and purposes of the first defendant firm and far beyond its known objects and aims no liability can rise against the defendants personally or otherwise.

17. So far as this defendant is able to ascertain the first defendant firm was entirely dormant for several years past and had ceased to do any business whatever, particularly after the death of Mr.M.L.Vardhamaniah on or about the 24th August 1928.

18. The first defendant firm having been dessolved the partners cannot be held liable for more than their shares if any under any circumstances. Nor can this defendant be made liable for transactions after he ceased to have any interest as stated above; and even prior to that the plaintiff must prove that there was any liability and that it is not barred by limitation.

19. The suit may, as against this defendant be dismissed with costs.

All that is stated above, as regards paras 1, 2, 7 -11 15 and 16 from the personal knowledge of this deponent and the rest from information received, is to him the best of his knowledge and belief true.

In the Court of the District Judge, Bangalore.

Original Suit No. 38 of 1930-31.

The Director of Commerce and Industries, Mysore the Receiver of the Essenflour Products Ltd. — Plaintiff.

Versus.

The Mysore Development Syndicate and ~~xx~~ eight others. — Defendants.

Written statement of B.K. Garudachar the 6th Defendant herein:

The 6th defendant above named states as follows:-

1. The address of this defendant for service of all notices and processes is that of his Advocates Messrs. N.V. Narasimhiengar, C.V. Narasimhiengar and T.R. Srinivasiengar, Chickpet, Bangalore City

2. As regards paragraph 3 of the plaint, this defendant denies that at any material time the Mysore Development Syndicate was a firm or that it carried on any business or that this defendant was a partner and submits that the said syndicate was started by the late M.L. Vardhamaniah and the 2nd defendant with the avowed object of starting companies for industrial development and that it was never intended that the said Syndicate should carry on any business or make any profits.

This defendant further submits that he donated Rs. 1,000/- as his subscription and became a member but he did not agree to contribute to any loss and he did not permit or authorise the said Vardhamaniah and the 2nd defendant to pledge this defendant's credit or borrow any monies in the name of the Syndicate or on behalf of this defendant.

3. As regards paragraph 4 of the plaint, this defendant denies that Rs. 77,241-5-6 or any other sum is due to the plaintiff the Essenflour Products Ltd.,

by the Syndicate or that this defendant is liable to pay the same or any part thereof, and submits that there was no necessity to borrow monies from the said Essenflour Products Ltd.

The said Vardhamaniah and the 2nd defendant who were the Governing and Managing Directors of the Essenflour Products Ltd. and Asbestos Ltd. and who is was that were keeping the accounts of the Syndicate, for ulterior purposes of their own appear to have made various transfer entries between these concerns but the said entries did not represent any real transactions. Such transfers were absolutely unnecessary and not binding on this defendant and were outside the scope of the functions or authority if any of the said Vardhamaniah and 2nd defendant.

4. In the circumstances this defendant submits that the Syndicate was not a firm or partnership and that this defendant did not become liable to pay the members thereof or the company or any one else any money beyond the sum of Rs. 1,000/- subscribed by him and that the said M.L. Vardhamaniah or the 2nd defendant had at not time any authority or power to borrow from the plaintiff Company if they really did on the credit of this defendant and the Plaintiff's claim against this defendant cannot therefore be sustained.

5. In the alternative assuming that the Syndicate was in fact a partnership (which this defendant denies) this defendant submits that the transfers and the alleged borrowings which they represent were not necessary for or usually done in carrying on the business of the said alleged partnership and the 2nd defendant or the said M.L. Vardhamaniah had no power or authority to bind this defendant by such borrowings if any and therefore this defendant is not liable.

6. This defendant further submits that M.L. Vardhamaniah and the 2nd defendant who were the Governing and the Managing Directors of the aforesaid two companies and who were also in charge of the books of the Syndicate in pursuance of their intention to defraud this defendant and the said Companies, made these entries fraudulently. In fact M.L. Vardhamaniah has taken Rs. 1,00,000/- for

his own use by means of such transfer entries from one or other of the said concerns without the knowledge of this defendant. The Essenflour Products Ltd. ought not to be permitted to take advantage of the fraud.

7. As regards paragraphs 4 and 6 of the plaint, this defendant denies, that (assuming that the entries between the Essenflour Products Ltd. and the Syndicate represent genuine dealings or transactions which this defendant does not admit), the account between them and attached to the plaint, was mutual open or current.

The partnership if any was dissolved by the death of the said Vardhamaniah on or about 24th August 1926 and the 2nd defendant had neither authority nor power to keep the account open or to make the entries which appear in the books. Such entries were mere adjustments and do not represent any payments made, and in particular the entry of Rs. 8-4-0 was not an item which could be charged to the Syndicate or to this defendant. The said amounts were not incurred in the course of the partnership business if any. The claim of the said Essenflour products Ltd. the plaintiff is barred by limitation.

8. As regards paragraph 5 of the plaint, this defendant submits that with the starting of the two concerns the - Asbestos Ltd., and the Essenflour Products Ltd. the functions of the Syndicate came to an end. Any how, as already stated, by the death of the said Vardhamaniah the Syndicate became dissolved. The 2nd defendant had no authority to bind this defendant by any dealings or transactions which were not necessary for winding up such business assuming there was, which this defendant denies.

9. This defendant further submits that this suit is not properly and legally instituted as the Director of - Industries and Commerce in Mysore is not a legal person and cannot be appointed Receiver under the provisions of the Civil Pro. Regn. as the appointment was made without

notice to this defendant who is a party to C.S. No. 28 of 1930-31 as the appointment of the Director as Receiver is ineffectual in law for the reason that the 4th defendant herein had been previously appointed a Receiver by the District Court of Mysore and the estate of the Company had vested and ~~remain~~ continued to vest in him.

10. This defendant denies the correctness of the claim, account or his liability to pay interest and denies all other allegations in the plaint not herein expressly admitted.

11. This defendant denies any liability or obligation on his part to pay the sum claimed or any other sum and prays that the suit as against him may be dismissed with his costs.

Advocates for 6th defdt. 6th Defendant.

I, B.K. Garudachar, the 6th defendant abovenamed do hereby declare that what is stated above is true to the best of my knowledge information and ~~xxxxxx~~ belief.

Dated this day of 1932.

6th defendant.

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE.

O. S. No. 38 of 1930-31.

- - - -

The Director of Industries and Commerce in Mysore, Receiver of the Essenflour Products Ltd.) PLAINTIFF.

VS

The Mysore Development Syndicate and 8 others.) DEFENDANTS.

Under Order VIII Rule 1 of the Code of Civil Procedure.

The 5th defendant abovenamed begs to state as follows:-

1. This defendant does not admit any of the allegations in the plaint not herein expressly admitted and puts the plaintiff to strict proof thereof.

2. This defendant submits that the Director of Industries and Commerce in Mysore is not a legal person and cannot be appointed a Receiver under the provisions of the Civil Procedure Regulations. This defendant understands that the said invalid and illegal appointment was made without notice to the Essenflour Products Ltd. or to any of the Directors thereof who are all parties to O.S.No.28 of 1930-31. The appointment of the Director aforesaid is further invalid for the reason that the 4th defendant herein had previously been appointed a Receiver of the Essenflour Products Company Ltd., in Original Suit No. 25 of 1928-29 on the file of the District Judge of Mysore and so long as he remains in office as Receiver, the appointment of a third party is ineffectual in law. For the reasons aforesaid this defendant submits that this suit has not been properly and legally instituted against this defendant.

3. This defendant admists that he was a member of the Mysore Development Syndicate, but denies that the said firm was doing any business in Mysore or till 1929 as untruly alleged in paragraph 3 of the plaint.

4. This defendant states that Mr.M.L.Vardhamaniah, one

of the members of the said Syndicate died on or about the 24th August 1926. By his death, the Syndicate became dissolved. Thereafter no business has been or could be done in such a manner as to bind the surviving members of the Syndicate or any of them.

5. This defendant further submits that the said Syndicate was formed for the sole purpose of promoting the two Companies namely, The Essenflour Products Company Ltd., and the Mysore Asbestos Co., Ltd., There was no agreement among the members either at the time when the said Syndicate was formed or thereafter for the purpose of carrying on any busi except the formation of the two companies aforesaid.

6. The said Syndicate was in the control and management of the said Mr.M.L.Vardhamaniah and the 2nd defendant herein. The said two persons or either of them had no authority to enter into any business transactions or dealings with any third party except to the extent mentioned above and if they or either of them have had dealings with the Essenflour Products Company, Ltd., such dealings cannot in law form part of the dealings of the partnership if any so as to throw open upon the partners any liability in respect of them.

7. This defendant learns and believes the same to be true that the items forming the account set out in the Schedule to the plaint do not represent genuine transactions of the Mysore Development Syndicate with the Essenflour Products Company Ltd., The said items were entered into the accounts of the Syndicate by the fraud of the said defendant and the late M.L.Vardhamaniah aforesaid for the purpose of enabling them to appropriate to their own use moneys of the Essenflour Products Company Ltd., or of the Asbestos Ltd by putting them through the account of the Mysore Development Syndicate. This defendant submits that this is a fraud to which both the above said two members were parties and plaintiff cannot take advantage of the fraud and make use

of it as against this defendant. In these circumstances this defendant denies that he is liable to pay the whole or any portion of the sum claimed in the plaint.

8. This defendant denies that ~~herefore~~ there had been a mutual open or current account between the Essenflour Products Company Ltd., and the Mysore Development Syndicate as ~~xxxx~~ wrongly alleged in paragraph 4 of the plaint. On the dissolution of the Mysore Development Syndicate by the death of Mr.M.L.Vardhamaniah aforesaid the business ~~xff~~ if any of the Syndicate legally came to an end, and it is not open to the Essenflour Products Company Ltd., or anybody else thereafter to keep the account alive as a mutual open or current account. This defendant further denies the genuineness of the transaction recorded by the entry of the 30th June 1928 ans submits that even if that transaction ever took place it is not a transaction of the Mysore Development Syndicate and could not properly be entered in its account.

9. This defendant submits that the suit is barred by limitation.

10. This defendant further submits that the heirs of the late M.L.Vardhamaniah should have been joined as defendants to this suit. The suit is therefore bad for non joinder of parties.

11. This defendant prays that the suit may be dismissed with his costs.

Bangalore City)
9th February 32.)

Advocate for 5th defendant.

I, M. Hariyanna the 5th defendant abovenamed do hereby declare that what is stated above is true to the best of my knowledge.

Bangalore City)
9th Feb. 1932)

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE

Original Suit No. 38 of 1930-31.

- - - -

The Director of Industries and Commerce, Mysore, the Receivers of the Essenfour Products Ltd., PLAINTIFF.

V S

The Mysore Development S[illegible] and 8 others. DEFENDANTS.

Written statement of . . . . . .

defendant herein:-

The 4th and 7th defendant abovenamed states as follows:-

1. The address of this defendant for service of all notices and process is that of his Advocates Messrs.P.Rajarathnam and D.Ramaswamiengar, Krishna Buildings, Avenue Road, Bangalore City.

2. As regards paragraph 3 of the plaint, this defendant denies that at any material time the Mysore Development Syndicate was a firm or that it carried on any business or that this defendant was a partner and submits that the said Syndicate was started by the late M.L.Vardhamaniah and the 2nd defendant with the avowed object of starting companies for industrial development and that it was never intended that the said Syndicate should carry on business or make any profits.

3. This defendant further submits that he donated Rs 1,000 as his subscription and became a member, but did not agree to contribute to any loss and he did not permit or authorise the said Vardhamaniah and the 2nd defendant to pledge this defendant's credit or borrow any monies in the name of the Syndicate or on behalf of this defendant.

4. As regards paragraph 4 of the plaint this defendant denies that Rs 77,241-5-6 or any other sum is due to the plaintiff the Essenflour Products Ltd., by the Syndicate or that this defendant is liable to pay the same or any part thereof, and

submits that there was no necessity to borrow monies from the said Rosenflour Products Ltd.,

5. The said Vardhamaniah and the 2nd defendant who were the Governing and Managing Directors of the Rosenflour Products Ltd., and Asbestos Ltd., and who it was that were keeping the accounts of the Syndicate, for ulterior purposes of their own appear to have made various transfer entries between those concerns but the said entries did not represent any real ~~in~~ transactions. Such transfers were absolutely unnecessary and not binding on this defendant and were ~~not~~ outside the scope of the functions or authority if any of the said Vardhamaniah and 2nd defendant.

6. In the circumstances this defendant submits that the Syndicate was not a firm or partnership and that this defendant did not become liable ~~to~~ to pay the members thereof or the Company or any one else any money beyond the sum of Rs 1,000/- subscribed by him and that the said V.L.Vardhamaniah or the 2nd defendant had at no time any authority or power to borrow from the plaintiff Company if they really did on the credit of this defendant and the plaintiff's claim against this defendant cannot therefore be sustained.

7, In the alternative assuming that the Syndicate was in fact a partnership (which this defendant denies) this defendant submits that the transfers and the alleged borrowings which they represent were not necessary for or usually done in carrying on the business of the said alleged partnership and the 2nd defendant or the said V.L.Vardhamaniah ~~and~~ had no power or authority to bind this defendant by such borrowings if any and therefore this defendant is not liable.

8. This defendant further submits that V.L.Vardhamaniah and the 2nd defendant who were the Governing and the Managing Directors of the aforesaid two companies and who were also in charge of the

books of the Syndicate in pursuance of their intention to defraud this defendant and the said companies, made these entries fraudulently. In fact M.L.Vardhamaniah has taken Rs 1,90,000/- for his own use by means of such transfer entries from one or other of the said concerns without the knowledge of this defendant. The Essenflour Products Ltd. sought not to be permitted to take advantage of the fraud.

9. As regards paragraph 4 and 6 of the plaint, this defendant denies, that (assuming that the entries between the Essenflour Products Ltd., and the Syndicate represent genuine dealings or transactions which this defendant does not admit) the account between them and attached to the plaint was mutual open or current.

10. The partnership if any was dissolved by the death of the said Vardhamaniah on or about 24th August 1926 and the 2nd defendant had neither authority nor power to keep the account open or to make the entries which appear as in the books. Such entries were mere adjustments and do not represent any payments made, and in particular the entry of Rs 8-4-0 was not an item which could be charged to the Syndicate or to this defendant. The said amounts were not incurred in the course of the partnership business if any. The claim of the said Essenflour Products Ltd., the plaintiff is barred by limitation.

11. As regards paragraph 5 of the plaint this defendant submits that with the starting of the two companies the Asbestos Ltd., and the Essenflour Products Ltd., the functions of the Syndicate came to an end. Any how, as already stated, by the death of the said Vardhamaniah the Syndicate becomes dissolved. The 2nd defendant had no authority to bind this defendant by any dealings or transactions which were not necessary for winding up such business assuming there was, which this defendant denies.

12. This defendant further submits that this suit

is not properly and legally instituted as the Director of Industries and Commerce in Mysore is not a legal person and cannot be appointed Receiver under the provisions of the Civil Procedure Code, as the appointment was made without the notice to this defendant who is a party to O.S.No.28 of 1930-31 appointmentof the Director as Receivor is ineffectual in law for the reason that the defendant herein had been previously appointed a Receiver by the District Court of Mysore and the estate of the company had vested and continued to vest in him.

13. This defendant denies the correctness of the claim, account or his liability to pay interest and denies all other allegations in the plain not herein expressly admitted.

14. This defendant denies any liability or obligation on his part to pay the sum claimed or any other sum and prays that the suit as against him may be dismissed with costs.

Advocate for defendant.

I, the defendant abovenamed do declare that what is stated above is true to the best of my knowledge and belief.

Bangalore.

Appendix F G—1]

UBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 4933 (4)

To The Govt. Advocate

Sir,

General and Revenue Secretariat

( )

the 193

I am directed to return herewith the Copies of the Written Statements filed by defendants 3 to 7 in O.S. no. 38 of 1930-31 on the file of the Dist. Judge, B'lore (the Director of Industries & Commerce vs the Mysore Development Syndicate) sent with your letter no. 609 dated 11th Feb'y 1932.

Date of issue 26/4/32

Signed by M' N.T.

List of enclosures .....

ISD 27/2

Copied by .....

Examined by .....

pp. I am
M' N.T.
for Ch. Secy

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 04934 (4)

To The Director of S.O.T.

Sir,

I am directed

General and Revenue Secretariat

( )

the 19

to forward herewith for your info

Date of issue 20/2/32 reference Copies of W. Statements filed

by defendants 3 to 7 in O.S.

Signed by M. Ray 30/3031 on the file of the

District Judge Bangalore -

(The Director of I & C

vs

The Mysore Development Syndicate

received from the Govt. Advocate

with his letter No. 609 dt 11th Feb 32.

I have exa-

List of enclosures .....

ISD

m/r

m/r for Ch. Sec'y

Copied .....

Examined .....

4028 g
p 8

SANDALWOOD OIL FA

Bangalore. 27th Feb

Lawr

No. 4592

FROM N. RAMA RAO ESQ., B.A., B.L.,
XXXX

4038 of 31

In reply please refer to
No. 675

Tel. Address :—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore....1st....M.a.r.c.h.....*19* 32.

From

The Government Advocate
in Mysore, BANGALOREA

To

The Secretary to the Govt.,
of H.H.The Maharaja of Mysore,
Development Department, BANGALORE.

Sir,

I have the honor to state that Original Suit No.38 of 1930-31 on the file of the District Judge, Bangalore Dn., (The Director of Industries & Commerce in Mysore, Vs. The Mysore Development Syndicate) - which was posted for hearing to this day (29-2-32) stands adjourned to the 15th March 1932 for Plaintiff's Reply.

I have the honor to be.
Sir,
Your most obedient servant,

Government Advocate

CSN/1.

4333 V/1

In reply please refer to
No. 741

Tel. Address
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore.....18th.....March.....1932.

GENERAL SECRETARY
18 MAR. 1932
No. Pre

From

The Government Advocat
in Mysore, BANGALORE.

To

The Secretary to the Govt. of
H. H. The Maharaja of Mysore,
General Department, BANGALORE.

Sir,

In continuation of this office letter No. 675 dated the 1st March 1932, I have the honor to state that O. S. No.38/30-31 on the file of the Dist. Judge, Bangalore Dn., (The Director of Industries & Commerce in Mysore Vs. The Mysore Development Syndicate) which was for hearing on the 15th instant - stands adjourned to the 18th May 1932 for issues. A copy of the reply filed by us on that dav is enclosed herewith for information.

have the honor to be,
Sir,
Your most obedient servant

V. Narayana
Government Advocate.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No 38 of 1930-31.

The Director of Industries and Commerce in Mysore Receiver of the Essen-flour Products Co., Ltd. ... Plainti...

vs.

The Mysore Development Syndicate, and others. ... ... Defendants.

Plaintiff's Reply.

1. The Second Defendant's statement is vague and indefinite and the allegations therein are false.

2. That the third defendant is not a partner of the first defendant firm and that he transferred his right, title and interest therein to the late Mr.Vardhamaniah are not true.

3. The legal representatives of the late Mr.Vardhamannayya are not, therefore, necessary parties to the suit.

4. The Plaintiff has filed this suit by order of the Court as Receiver to collect the suit debt which had been attached before Judgment in Original Suit No. 38 of 1930-31 by the Plaintiff therein. The Plaintiff was not aware that Mr. Ramalingam had been appointed Receiver by the District Judge of Mysore and he does not admit that he was appointed Receiver to collect the suit debt. As he is himself liable for the claim,

such

such a contention cannot prevail, particularly as he had not taken no steps whatsoever to indicate that he ever thought of coll[redacted]n case. The other contentions raised in t[redacted]ection are false and untenable.

8. The suit is evidenced by the books of the first defendant's firm and the contentions now raised by the defendants are false.

6. The other allegations in the written statements of the defendants are false and the contentions raised therein are untenable.

7. The suit is in time as stated in the Plaint and then defendants are, therefore, liable to the suit claim.

8. The other allegations in the written statement not expressly admitted in this reply are inconsistent with those in the plaint are false.

I declare that what is stated above is true to the best of my information and belief.

Bangalore,
16th March 1932.

Plaintiff.

Copy
Mileage
Sorta Adreala

Appendix F G–

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Date of issue 24/3/32

Signed by M Nag

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. 1564/

To The Govt. Advocate

Subject O.S. 38/3031 on the file of the District Judge, Bdore (the Dorcem of DC vs the Mysore Development Syndicate

Sir,

I am directed to acknowledge the receipt of the copy of the reply filed in the above Case, sent with your letter No. 741 dated 18th March 1932, and to state that Copies of the Written Statements filed by the 2nd and 8th defendants in this case have not been received yet and to request that the same may kindly be sent for information of Govt. Early

I have the

for Secretary

ISD 25/3

In reply please refer to
No. 647

Tel. Address:
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 26th March 1932.

GENERAL SECRETARY
From
28 MAR 1932
No. Law

To

The Government Advocate
in Mysore, BANGALORE.

The Secretary to the Government
of H. H. The Maharaja of Mysore,
General Department, BANGALORE.

Sir,

As desired in your letter No.P.5647/Law. dated the 24th March 1932, I have the honor to forward herewith, for your reference and return when done with, copies of the Written Statements filed by the 2nd and 8th Defendants in Original Suit No.38 of 1930-31 on the file of the District Judge, Bangalore Division. (The Director of Industries & Commerce in Mysore VS. The Mysore Development Syndicate).

I have the honor to be,
Sir,
Your most obedient servant,

V. Nagesha Iyer

Government Advocate.

In the Court of the District Judge, Bangalore.

Original Suit No.32 of 1930-31.

The Director of Industri__ -
Commerce in Mysore Receiver
of the Essenflour products,
Ltd., -VS- Plaintiff

The Mysore Development
Syndicate & others. Defendants.

Under Order VIII Rule 1 of the Code of Civil Procedure.

The 2nd defendant B. Sitaramachar begs to state as follows:-

1. The Plaintiff's claim against this defendant is not sustainable either on facts or in law.

2. The account patti referred to in para 4 of the plaint does not represent the true state of affairs between Essenflour Products, Ltd., and the Mysore Development Syndicate, nor between the said Company and this defendant who is a creditor in its books.

3. This defendant does not admit any of the allegations of the plaint not expressly admitted by him.

Wherefore the 2nd defendant prays humbly that the suit against him be dismissed with costs.

"True Copy"

Mysore,
7/12th Feb.32

Advocate for 2nd defendant.

I the 2nd defendant above named do hereby declare that what is stated above is true to th e best of my knowledge.

Mysore,
7/12th Feb.1932.

"C o p y"

In the Court of the District Judge, Bangalore.

Original Suit No.38 of 1930-31.

The Director of Commerce and Industries, Mysore, the Receivers of the Essenfleour Products Ltd., ... plaintiff.

-VS-

The Mysore Development Syndicate and 8 others. ... Defendants.

Under O.VIII R.1 of the Code of Civil Procedure.

The 8th Defendant above named states as follows :-

1. The address of this defendant for service of all notices and processes ~~xxx~~ is that of his pleader Mr. S.V. Ranga Rao, Kadem, Chickpet, Bangalore City.

2. As regards paragraph 3 of the plaint, this defendant denies that at any material time the Mysore Development Syndicate was a firm or that it carried on any business or that this defendant was a partner and submits that the said syndicate was started by the late M.L. Vardhamaniah and the 2nd defendant with the avowed object of starting companies for industrial development and that it was never intended that the said Syndicate should carry on any business or make any profits.

This defendant further submits that he donated Rs.1,000/- as his subscription and became a member, but he did not agree to contribute to any loss and he did not permit or authorise the said Vardhamaniah and the 2nd defendant to pledge this defendant's credit or borrow any monies in the name of the Syndicate or on behalf of this defendant.

3. As regards paragraph 4 of the plaint, this defendant denies that Rs.77,241-5-6 or any other sum is due to the plaintiff the Essenflour Products Ltd., by the Syndicate or that this defendant is liable to pay the same or any part thereof, and submits that there was no necessity to borrow monies from the said Essenflour Products Ltd.,

The said Vardhamaniah and the 2nd defendant who were the Governing and Managing Directors of the Essenflour Products Ltd., and Asbestos Ltd., and who it was that were keeping the accounts of the Syndicate, for ulterior purposes of their

their own appear to hav made various transfer entries between these concerns but the said entries did not represent any real transactions. Such transfers were absolutely unnecessary and not binding on this defendant and were outside the scope of the functions or authority if any of the said Vardhamaniah and 2nd defendant.

4. In the circumstances this defendant submits that the Syndicate was not a firm or partnership and that this defendant did not become liable to pay the members thereof or the company or any one else any money beyond the sum of Rs.1,000/- subscribed by him and that the said H.L. Vardhmaniah or the D 2nd defendant had at not time any authority or power to borrow from the plaintiff company if they really did on the credit of this defendant and the Plaintiff's claim against this defendant cannot -- there be sustained.

5. In the alternative assuming that the Syndicate was in fact a partnership (which this defendant denies) this defendant submits that the transfers and the alleged borrowings which they represents were not necessary for or usually done in carrying on the business of the said alleged partnership and the 2nd defendant or the said H.L. Vardhmaniah had no power or authority to bind this defendant by such loan borrowings if any and therefore this defendant is not liable.

6. This defendant further submits that H.L. Vardhamaniah and the 2nd defendant who were th e Governing and the Managing Directors of the aforesaid two companies and who were also in charge of the books of the Syndicate in pursuance of their intention to defraud th is def endant and the said Companies, made these entries fraudulently. In fact H.L. Vardhmaniah has taken Rs.1,00,000/- for his own use by means of such transfers entries from one or other of the said concerns without the knowledge of this defendant. The Essenflour P roducts Ltd., ought not to be perpermitted to take advantage of the fraud.

7. As regards p aragraphs 4 and 6 of the plaint, this defendant denies, that (assuming that the entries between the Essenflour Products Ltd., and the Syndicate represent ---

represent genuine dealings or transactions which this defendant does not admit), the account between them and attached to the plaint was mutual open or current.

The partnership if any was dissolved by the death of the said Vardhamaniah on or about 24th August 1926 and the 2nd defendant had neither authority nor power to keep the account open or to m___ the entries which appear in the books. Such ~~xxx~~ entries were mere adjustments and do not represent any payments made, and in particular the entry of Rs.8-4-0 was not an item which could be charged to the Syndicate or to this defendant. The said amounts were not incurred in the course of the partnership business if any. The claim of the said Essenflour Products Ltd., i.e., the plaintiff, is barred by limitation.

8. As regards paragraph 5 of the plaint, this defendant submits that with the starting of the two concerns the ~~xxx~~ Asbestos Ltd., and the Essenflour Products Ltd., the functions of the Syndicate came to an end. Any how, as already stated, by the death of the said Vardhamaniah the Syndicate became dissolve The 2nd defendant had no authority to bind this defendant by any dealings or transactions which were not necessary for winding -- up such business assuming there was, which this defendant denie

9. This defendant further submits that this suit is not properly and legally instituted as the Director of Industries an Commerce in Mysore is not a legal person and cannot be appointed Receiver under the provisions of the Civil Procedure Code.

10. This defendant denies the correctness of the claim, account or his liability to pay interest and denies all other allegations in the plaint not herein expressly admitted.

11. This defendant denies any liability or obligation on his part to pay the sum claimed or any other sum and prays that the suit as against him may be dismissed with his costs.

Defendant.

Advocates for Defdt.

defendant abovenameddo hereby declare that what is stated above is true to the best of my knowledge information and belief.

Dated 29th day of 1932. _____ Defendant.

"Copy"

Appendix F G—1]

SUBJECT .....

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.....

Section

File No.

Serial No.

Diary No. of letter replied to ..... No 5838(2)

To The Dir of SOT ~~Dte~~

Sir,

General and Revenue Secretariat

( )

the *193*

I am directed to forward herewith for reference ~~Copies~~ of the written Statements filed by the Pltf and Dfts defendants in OS 38/2001 on the file of the Dist Judge B'lore (Dir of Dte vs the Mys. Dev. Syndicate) received from the Govt. Advocate

Date of issue 5/2/02

Signed by M' Stg

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GPBM—40,000—20-7-31.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Section

File No.

Serial No.

No 1/5837(2)

To The Govt. Advr

General and Revenue Secretariat

( )

the *193*

I am directed to return herewith the Copies of written Statements ~~filed~~ by the 2nd and 3rd defendants in O.S. 38/30-31 on the file of the Dist. Judge, B'lore (Dir of Dte vs Hie Mysore Dev. Syndicate), sent with your letter no. 764 dated 25th March 1932

Date of issue 5/4/32

Signed by

List of enclosures .....

I have en

My yours Ps. to see

ISD 4/4

Copied by .....

Examined by .....

S S 12/31

In reply please refer to
No. 582

Tel. Address :—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore...23rd.....May.....1932.

From

GENERAL SECRETARY
25 MAY 1932
No.

The Government Advocate
in Mysore, BANGALORE.

The Secretary to the Government
of H. H. The Maharaja of Mysore,
General Department. BANGALORE.

Re: Original Suit No.38/30-31 on the file of the District Judge, Bangalore. (The Director of Industries & Commerce in Mysore, VS. The - Mysore Development Syndicate).

I have the honor to state that Mr. Shamanna Uduper (the 9th Defendant in the above case) is reported to have died at Nagar, Shimoga District. about the first week of this month, and to request that as his Legal Representatives have got to be brought on record. the exact date of his death and the names

Appendix F G—1]

SUBJECT .....

.....

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Section Law

File No. 26-3

Serial No.

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 19

Date of issue 30-5-32

Signed by Jn. Dr. H Jaya Rao.

List of enclosures .....

Copied by .....

Examined by .....

No P. 6867./Enc/

To The Dir of I & C

Sir,

I am directed to forward herewith Copy of the letter No. 852/31-32 dated 23rd May 1932 received from the Govt. Advocate re: O.S. 38/3031 on the file of the Dist. Judge, Bangalore (Director of I & C vs the Mysore Development Syndicate) and to request that the information required by the Govt. Advocate re: the legal reps of the deceased Mr. Shamanna, Udupi (2nd defdt in the above case) may kindly be obtained and furnished to him at a very early date.

Action taken in the matter may kindly be reported for information of Govt.

I have etc

Jnana/No 6868/30/5/32

W. & S.—GPIM—40,000—20-7-31

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

)

the *193*

Date of issue 9.6.32

Signed by Yn N.N. Yajaraa Rao

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P.7015/Enc 1

To The Govt

Sir,

In continuation of our office memo no. P. 6060 dt 30th May 1932 re: O.S. 38/30-31 on the file of the Dist Judge Bangalore (Dir of Ind vs the Mysore Development Syndicate). I am directed to enclose herewith Copy of the letter no. 6067 dated 4th June 1932 received from the Director of Industries & Commerce in the matter.

I have etc

ISO 6/6 for Gen Secy

6/6

SANDALWOOD OIL FACTORY

Bangalore, 1st July, 1932

No. 58/

FROM N. RAMA RAO ESQ., B.A., B.L.,
~~C. RANGANATHA RAO ESQ., B.A., B.L.,~~

DIRECTOR, SANDALWOOD OIL FACTORY IN MYSORE,

BANGALORE.

To

The Secretary to the Government of Mysore,
General Department, Bangalore.

GENERAL SECRETARY'S
4 JULY 1932

Sir, No. Law

In continuation of my letter No.6067 dated 4th June 1932, I have the honour to enclose herewith for the information of Government copy of the letter addressed to the Government Advocate in the matter.

I have the honour to be,

Sir,

Your most obedient servant

N. Rama Rao

DIRECTOR.

nrm

Sub? for perusal.

Information furnished by the D.C. shimoga may be obtained from the Govt. A. No necessity

TYPING SECTION
12 JUL 1932
GEN. L. & REV. DEPTT.

ISD 6/7

To what date is this case now posted? Are we getting progress reports regularly?

nrm 7/7

In the Pr. report received last month it was noted that the case was posted to 8.6.32. Further progress reports are not received. Issue one more with a Reminder. ISD 9/7 send usual Rs nrm. 11

Issued with a Reminder 11/7

SANDALWOOD OIL FACTORY

Bangalore, 1st July 193

No.

FROM N. RAMA RAO ESQ., B.A., B.L.,
XXXX

In reply please refer to
No. 75

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 4th August *1933.*

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

7 AUG. 1933

SIR,

I have the honor to forward herew tion of Government, a copy of the application filed by Defendants 5 and 6 (Messrs. M. Hariyanna & B.K.Garudachar) in Original Suit No. 38 of 1930-31 on the file of the District Judge, Bangalore Division, (The Director of Industries & Commerce in Mysore VS. The Mysore Developme Syndicate) praying that for reasons mentioned therein, the suit as against them may be dismissed and to request that I may be kindly favoured with instructions in the matter as to whether the Applicati may be opposed on the ground that the suit is one filed by the Director of Industries & Commerce in his capacity as Receiver of the Essenflour Products Co., Ltd., for amounts due to the said Company fr The Mysore Development Syndicate and that as such the prayer cannot be granted. The case stands posted for hearing to the 15th instant as known at present.

2. The copy of the application sent herewith may be kindly returned to me with your reply.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

From The Secy to Govt.

General Department.

To

The Government Advocate,
Bangalore.

Bangalore, 18th August 1933.

O.S.38/30-31 on the file of the District Judge, Bangalore (Director of Industries and Commerce vs Mysore Development Syndicate).

With reference to your letter No.75 dated 7th August 1933 soliciting instructions in the matter of opposing the application filed in the above case by Messrs.M.Hiriyanna and B.K.Garudachar, I am directed to state that the petitioner's application need not be opposed, on behalf of the plaintiff in the suit.

Copy of the application sent with your letter is herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

MM

Jr General Secretary to Government.

TSD

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P8082.

To Ne Gur. Ad

General and Revenue Secretariat

OS 38/30-31 on ue fore

ue Dr ex Blore

(Div^r of Dre vs Mgs. &

Date of issue 5-6-36

Sir,

Signed by mr. N.R.J.

Ne above case was

posed to 12.3.36 for evidence

directed to request ear furth

progress made may kindly be inti

for information of Govt.

Lawrence

3/6 Dr Gen Revs

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPR—30,000—23-9-35

Appendix F G—1]

SUBJECT .....

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.....

General and Revenue Secretariat

( )

the *193*

Date of issue 21/8/33

Signed by Sri. N. R. Jaya Rao

List of enclosures.....

Copied by.....

Examined by.....

Section Law

File No.

Serial No.

Diary No. of letter replied to.....

No. P 867 Encl. one

To

The Govt. Advocate

O.S. 35/30-31 on the file of the District Judge B'lore (Director of Ire vs Mysore Govt Development

Sir,

With reference to your letter no. 75 dated 7th Soliciting instructions in the matter of opposing the application filed in the above Case by Messrs. M. Hariyanna and B. K. Gundachar I am directed ~~to request to state that~~ to state that the petitioners application need not be opposed, on behalf of the plaintiff in the suit. Copy of the application sent with your letter is herewith returned.

no I have the honour to be Sir,

-GPB—15,000—26-8-32

Tel. Address: "Sandal" Bangalore.

SANDALWOOD OIL FACTORY,

Bangalore, 6th July, 193

No. 36.

Confidential.

Law 26-31-1

FROM

ABDUL WAJID ESQ., B.A.

Director, Sandalwood Oil Factory,
Bangalore.

To

The General Secretary to the Government of Mysore,

Bangalore.

GENERAL DEPT. SECTT. - 6 JULY 1936 BANGALORE

Sir,

I have the honour to state that an independent Civil Suit has been filed against The Mysore Development Syndicate for Rs 77,241-5-0 which sum the Syndicate owed the Mysore Essenfleur Products Limited on the 30th June 1928. The case has been posted before the District Judge Bangalore, for evidence, to the 8th July 1936.

Messrs. Rao Bahadur B.K. Garudachar and S.L. Mannaji Rao on behalf of Dharmaprakasa S. Sajjan Rao have seen me and expressed a desire to come to a compromise out of Court as they feel that as loyal citizens of the State it is improper for them to figure in such litigation. They appeared to me to be quite willing to pay a reasonable amount as compensation.

I submit the facts for the information of Government and request that their orders may be obtained as to whether I could pursue the matter further in consultation with the Government Advocate.

I have the honour to be,

Sir,

Your most obedient servant,

Abdul Wajid

Director.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 326 Kaw 26-31-2 *Dated, Bangalore,* 10th July '93 6.

CONFIDENTIAL

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Director
of Sandal Oil Factory,
Bangalore.

Sir, Subject.- O.S.38/30-31 on the file of the District Court, Bangalore. (Director of Industries and Commerce Vs. The Mysore Development Syndicate).

With reference to your letter No.36 dated 6th July 1936 regarding the desire of Messrs.B.K.Garudachar, and S.Sajjan Rao, to come to a compromise out of court in the above case, I am directed to state that Government have no objection to your pursuing the matter in consultation with the Government Advocate, but before any final settlement is made orders of Government have to be obtained.

I have the honor to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

Appendix F G—1]

SUBJECT.....

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Section Gen

File No. 165.

Serial No.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 11.7.36

Signed by Mr. V. R. J.

List of enclosures.....

Copied by .....

Examined by.....

No. P 526. Confidential

To The Dist. of S. O. T.

OS. 35/30-31 on the file of the Dist. Ct. Bellary

(Dist. of Adoption vs the Mgr. Dev. Syndicate)

Sir,

With reference to your letter no. 36 dt 6th July 1936 requesting ~~for Orders in the matter of Compromise of the case~~ proposed by Messrs. BK. Gundachar, and S. Sajjan Rao, I am directed to state that Government have no objection to your ~~proposed~~ pursuing the matter in consideration of the Govt. Advocate's ~~report~~ subject to the condition of obtaining previous sanction of Govt before any settlement is made orders of Govt have to be obtained

To come to a compromise out of court in the above case

D Law

WD 03601—GPB—30,000—23-9-35

MR 2nd Secy

Copy of the above is forwarded for
Compliance to the Govt. Ad. for information.
He is requested to intimate for information
of Govt. as to what happened to the
application filed by Messrs. Hasrajmal
and Bk. Jamdar dated, praying for dismissal
of the above suit against them in lieu
of the Compromise effected in O.S. No 203/
in the file of the Dt. Ct. Belgaum.

Appendix F G—1]

SUBJECT .....

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Section

File No.

Serial No

Diary No. of letter replied to ..... No P 3864 Jurist Court

To

Dear Sir,

I am to invite reference to your letter no: 991 dated 14 June 1935 intimating that O.S. 38 of 30-31 on the file of the D.J. Dandeldhura (Director of Ire vs Development Syndicate) was posted to 22nd June 1935 for orders on the petition presented by defts 5 and 6 and to enquire whether and what orders were passed in the matter

Yours Sincerely

P.R. Nageswara Rao

for A

General and Revenue Secretariat

( )

the 193

Date of issue 11.7.36

Signed by .....

List of enclosures .....

TYPING SECTION. 11 JUL. 1936. GENL & REV. SECTT.

Copied by .....

Examined by .....

WD 71—GPBM—40,000—20-7-31.

427 P 836

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 52 Immediate & Confidential Bangalore, 17/7/1936. 19

Dear Mr. Jaya Rao

With reference to your D. O. letter No. P. 364 dated the 11th/ instant, re: O. S. No. 38 of 1930-31 on the file of the District Judge, Bangalore Dn. (The Director of Industries and Commerce in Mysore vs. The Mysore Development Syndicate) I write to state that final orders were not passed on those applications. But, regarding the questions arising from them, issues were framed and they were reserved for dosposal, at the time of the final disposal of the suit.

Confidential

D. O. No. P 916 / Law 26-31

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 4th August 1

O. S. 38/30-31 of District Court, Bangalor

Dear Mr. Sastry,

I am desired to invite your reference to this office letter No. P. 326/Law. 26-31, dated 11th July 1936, regarding the compromise suggested in the above case and to enquire how the matter stands

Yours sincerely.

S. G. Sastry, Esq., B.A., M.Sc., F.C.S.,
Director of Industries and Commerce in Mysore,
Bangalore.

Appendix F G—1]

SUBJECT.....

.....

.....

(confidential)

Section Law

File No. 26 – 2

Serial No.

Diary No. of letter replied to..... G.O. No. P916

To ~~To~~ S. 38/30-31 of 2nd Ct. Bangalore

General and Revenue Secretariat

( )

the 19.

Date of issue 4-8-36

Signed by Sd- M.J.R.

Dear Mr ~~S.~~ Sastry,

I am directed to invite your attention to ~~In continuation of~~ this office letter no P326 Law 26-31, dated 11th July 1936, ~~S. 38/30-31~~ on ~~to file of 2nd Ct. Bangalore~~ ~~to the Magistrate of Bangalore~~, I am replying the Compromise suggested ~~vide~~, ~~stating that Govt have~~ in the above case and ~~no objection to your pursuing question of compromise with accused~~ ~~matter~~ in Consultation with the G.A. ~~in the matter of Lyndrick case~~. I wish to enquire how the matter stands.

Yours Sincerely

MR

List of enclosures.....

Copied by Sd/ 12/8

To

Examined by.....

~~The~~ S. G.

D y Sec & C. to Govt Law Factory

WD 03601—GPB—30,000—23-9-35

S.G. Sastry, B.A.,
M.Sc., F.C.S.
- Director -

ADDRESS FOR TELEGRAMS:
SANDAL
BANGALORE
CODE USED: "BENTLEY'S"

GOVERNMENT OF MYSORE

SANDALWOOD OIL

Bangalore, 5th Augt

N
Enc

Dear Mr. Jaya Rao,

I have your letter No.F.910/ Law 26-31 dated 4th August 1936, and thank you very much for the same.

I understood that Mr. Abdul Wajid, the former Director of Industries & Commerce had some preliminary conversation with Mr. Mannaji Rao representing Messrs. Rao Bahadur B.K. Garudachar and Dharmaprakasa Sajjana Rao in the matter of the proposed compromise. Therefore, I have sent my office file to Mr. Abdul Wajid to kindly note the gist of his conversation with Mr. Mannaji Rao so that I may possess the relevant information regarding the previous informal conversation. After the receipt of the file from Mr. Wajid, I shall take up the matter with the parties concerned. I have also sent a reminder yesterday to Mr. Wajid.

In the meanwhile I had met Mr. Nageswara Iyer, Government Advocate, on two occasions and he is also of opinion that it is necessary to know what took place between Mr. Abdul Wajid and Mr. Mannaji Rao.

Yours sincerely,

Sastry

N.R. Jaya Rao Esq., M.A., LL.B. (Ag.),
Assistant Secretary to Government,
Law Section,
Bangalore.

MG)

15 08 36

In reply please refer to
No. 183

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

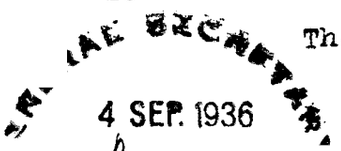
Bangalore, ...3rd....September.... *193* 6.

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

TO

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.



SIR,

I have the honor to state that Original Suit No. 38 of 1930-31 on the file of the District Judge, Bangalore Division, (The Director of Industries & Commerce in Mysore VS. The Mysore Development Syndicate) stands adjourned from the 31st Ultimo to the 1st October 1936.

the honor to be,
Sir,
obedient servant,

2033 P 31

Tel. Address :—"Sandal Bai"

SANDALWOOD OIL FACTORY.

Bangalore, 30th Septr: 1936.

No.

S. G. SASTRY ESQ., B.A., M.Sc., F.C.S.,
~~S ABDUL WAHID ESQ~~

DIRECTOR, SANDALWOOD OIL FACTORY IN MYSORE,

BANGALORE.

The General Secretary to the Government of Mysore,

ngalore.

SECRETARIAT
30 SEP. 1936

S i r,

fce:- Your letter No.P.326/Law 28-31
dated 10/11thJuly 1936.

I have the honour to report that negotiations for a compromise which have commenced have not yet reached a conclusive stage. Therefore I request that you will kindly be pleased to advise the Government Advocate to ask for another short adjournment of the case (O.S. No.28/30-31 on the file of the District Judge, Bangalore, Messrs. Essenfleur Products Ltd. VS The Mysore Development Syndicate).

I have the honour to be,

S i r,

Your most obedient servant

Director.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P224. 1. *Dated, Bangalore,* 1.10. 1936

From:

M. Venkatesa Iyengar, Esquire, M.A.
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

A.R. Nageswara Iyer, Esquire, B.A., B.L.,
Government Advocate in Mysore, Bangalore.

O.S. No. 38 of 1930-31 on the file of the District Court, Bangalore, (The Director of Industries and Commerce Vs. The Mysore Development Syndicate.)

With reference to your letter No. 183 dated the 3rd September 1936 stating that the above case has been adjourned to 1st October 1936, I am directed to forward herewith a copy of letter No. 801 dated the 30th September 1936 from the Director of Sandal Oil Factory for information and necessary action.

I have the honor to be,
S i r ,
Your most obedient servant,

ppendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 26 - 31

Serial No.

Diary No. of letter replied to.....

No. 12241/Sec

To

The Govt Hdqrs Cafe

General and Revenue Secretariat

O.S. 38/35-31 on the file of the Dist. Court, Bellore (The Dirr. of Ind: & Commce Vs The Mysore Govt. Syndicate)

( )

the 19

Date of issue 1.10.36

Sir,

Signed by Mr. N.R.J.

With reference to your letter no 183, dt 30th Sept 36 stating that the above case has been adjourned to 1st Oct: '36 I am directed to forward herewith a copy of letter no 801, dt 30th Sept '36 from the Dirr of S.O.T. for your information & necessary action

I have etc:

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

reply please refer to
.....283.....

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, ...3rd.....Octob

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

5 OCT 1936

SIR,

With reference to your letter No. P.2241 dated the 1st October 1936, I have the honor to state that Original Suit No.38 of 1930-31 on the file of the District Judge, Bangalore Division, - (The Director of Industries & Commerce in Mysore VS. The Mysore Development Syndicate) stands adjourned from the 1st October 1936 to the 18th November 1936.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretaria

Dated, Bangalore, 8th October *193*6

No. P23

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Director of Sandalwood Oil Factory in Mysore,

Bangalore.

Sir,

O.S.38/30-31, on the file of District Court, Bangalore
(The Director of Industries and Commerce VS.Mysore Development Syndicate)

With reference to your letter No.801 dated 30th September 1936 requesting in the circumstances stated for an ~~adjustment~~ adjournment of the above case, I am directed to state that the Government Advocate reports that the above case stands adjourned from 1st October 1936 to the 18th November 1936.

I have the honour to be,

Sir,

Your most obedient servant,

pp

For General Secretary to Government.

SUBJECT.....

.....

.....

Section Laws

File No. 26 -

Serial No.

Diary No. of letter replied to.....

No. P2393

To The Dirr of S. V. Factory

ıeral and Revenue Secretariat

( )

the *193*

O. S. 387/30-31, on the file of the
Bangalore
~~Mysore~~ (the Dirr of Ind: & Com
& Mysore Devpt. Syndicate:)

Date of issue 8.10.36

Sir

Signed by Dy. N. R. J. R.

With Reference to your letter
No. 801, dt 30th Septr 36 Requesting
in the circumstances stated
for an adjournment of the above
case I am directed to state that
reports that
the above case stands adjourned from
1st Octr 36 to the 18th Novr: 36.

List of enclosures

Copied by .....

Examined by.....

A. R. NAGESVARA IYER, Esq., B.A., B.L.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 358 Immediate

Bangalore, 14/12/1936

Dear Sir,

I write to inform you that two Cases entrusted to me in my private capacity as an Advocate are pending viz., (1) O. S. 38/30-31 on the file of the Addl. District Judge, for Hearing, and (2) Ex. No.1/34-35 in the District Judge's Court for further proceedings on - 8-12-1936. I suppose I may hand them over to the Government Advocate. Immediate instructions may kindly be given as O.S.38/30-31 (The Director of Industries and Commerce vs. The - Mysore Development Syndicate) is for hearing - on the 18th instant. In this connection, - I should like to mention that Mr. K. Natarajan who was directed to help me in preparing the - above cases as also in the connected cases, has rendered very valuable assistance to me and

I have appreciated his work very much.

Your

M Meagher 2

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to Govern
Bangalor

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

D. O. No. ~~C~~ P3274/Sec.

Bangalore, Dated, 17th November 1936

Dear Mr. Lakshminaranappa,

I am desired to forward herewith a copy of letter No.358 dated 14th November 1936 from Mr. A.R. Nageswara Iyer, and to request you to take charge of the records in O.S.38/30-31 on the file of the Additional District Judge, Bangalore (Director of Industries & Commerce vs Development Syndicate) as well as those of execution No.1 of 34-35 on the file of the District Judge, Bangalore (Government vs. the Essenflour Products Company, Ltd. & another), and conduct the cases.

Yours sincerely

Mirle N. Lakshminaranappa, Esq., B.A.,LL.B.,
Government Advocate, Bangalore.

Appendix F G—1]

Immediate

SUBJECT.....

.....

.....

Section Law

File No. 36 - 31

Serial No.

No.

Diary No. of letter replied to.....

~~To~~

Dear Sir,

I am directed to forward herewith a copy of letter no. 358, dated 14-11-36 from Mr. A. R. Nagesara iyer, and to request you to take charge of the records in O.S. 357/30 - on the file of the Addl Dist judge, Bijapur (Director of Ind: & Commce Vs Development syndicate) as well as those in Execution No. 1 of 34-35 on the file of the Dist munsiff Hospet (Govt Vs the Essentiaux Products Co. Ltd and another.) and conduct the case

General and Revenue Secretariat

( )

the *193*

Date of issue. .....

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

Yours sincerely

BKR 17-11

17/11

WD 03601—GPB—30,000—23-9-35

Copy with compliments to
Mr. A. R. Rajeswara Iyer with
reference to his letter no.
58, dated 14-11-36

Memo no P3275
dt 17.11.36.

Tel. Address:—"Sandal Bangalore"

SANDALWOOD OIL FACTORY,

lore, 16t.. Novem:193 6.

No. 1172.

Tengent

FROM S.G. SASTRI Esq., B.A., M.Sc., F.C.S.,
~~S. ABDUL WAHID, ESQ., B.A.,~~

DIRECTOR, SANDALWOOD OIL FACTORY IN MYSORE,

BANGALOR

To

neral Secretary to the Government of Mysore,

Bangalore.

GENERAL SECRETARY.
16 NOV. 1936

Re: O.S. No.38/30-31 on the file of the District Judge, Bangalore, (Director of Industries & Comme: VS Mysore Development Syndicate

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In inviting your kind reference to your letter No.P. 2393 dated 8th October 1936, regarding the above case, I have the honour to state that I pursued the matter of compromise with the defendants and I find that they are not likely to come to any agreed settlement. feel that there exists divergent views among the defendants and I am of opinion that we may allow the case to take its course.

I have the honour to be,

S i r,

Your most obedient servan

Director.

In reply please refer to
No. 506

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 22nd January 1937.

From

The Government Advocate
in Mysore, BANGALORE.

To
The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

GENL. SECRETARY
25 JAN. 1937

Sir,

In continuation of this office letter No.469 dated the 8th January 1937, I have the honor to state that Original Suit No. 38 of 1930-31 on the file of the Additional District Judge, Bangalore, (The Director of Industries & Commerce in Mysore VS. The Mysore Development Syndicate) stands adjourned to the 3rd February 1937, for report of compromise or for hearing.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

From

The Government Advocate in Mysore,

B A N G A L O R E.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

SECRETARY. GE 23 NOV. 1936

Sir,

I have the honor to acknowledge receipt of your lette No. P.3274 dated 17-11-1936, authorizing me to take charge of

(1) O.S.No.38 of 1930-31 on the file of the Addl. District Judge, Bangalore, (The Director of Industries & Commerce in Mysore VS. The Mysore Development Syndicate). ... ...
(2) Ex. No. 1 of 1934-35/O.S.No. 28 of 1930-31 on the file of the District Judge, Bangalore Division, (The Govt. of Mysore VS. The Essenflour Products Company, Ltd.,) ... ...

the marginally noted two cases and to conduct the same on behalf of Government

2. The First case viz., O.S.No.38 1930-31 which was posted for hearing to the 18th instant stands adjourned to the 18th December 1936, for Evidence.

I have the honor to be,
Sir,
Your most obedient servant,

Mr. S. G. SASTRY, B.A., M.Sc., F.C.S.,
~~Mr. S. ABDUL WAHID, B.A.~~
DIRECTOR OF SANDALWOOD OIL FACTORY IN MYSORE.

Bangalore, dated the 22nd Janry 1937.

Law 26-31-2

Immediate

1668

Dear Mr. Venkatesa Iyengar,

Refce: Case No.O.S.38/30-31 on the file of the Additional District Judge, Bangalore (Director of Industries Vs. Development Syndicate)

GENERAL SECRETARY. 22 JAN. 1937

I enclose herewith copy of a letter written by Dharmaprakasa Mr.S.Sajjan Rao stating that he is authorised by "most of the parties" to agree to the compromise and to undertake the responsibility to pay Rs.10,000/- only in full settlement of the claim against the Mysore Development Syndicate. I have kept the Government informed of the various stages of these negotiations.

Mr.S.Sajjan Rao states that he is authorised by "most of the parties". I have been privately informed that by this expression "most of the parties", he really means six of the defendants leaving out the late Mr.Udupa and Mr. B.Sitaramachar. The question to be decided is "are the Government prepared to withdraw the suit after getting Rs. 10,000/- from six of the Defendants?". It means that the majority will pay a token amount and at least two will have escaped all the liablities. Of these two, one is no more, and the other has not suggested any kind of compromise. If we should decide to accept Rs.10,000/- from six defendants and let them free, are the Government prepared to continue the case against one of the living Defendants and against the

legal heirs of the other deceased defendant? This aspect will have to be seriously considered

The case stands adjourned to 3rd February 1937. The Government Advocate will have to be i[illegible]ted in the matter in good time. I shall be greatly obliged if you will kindly let me know the views of the Government in the matter.

I enclose herewith for the information of Government copy of a note by Mr.S.Abdul Wajid, Excise Commissioner sent to me when I requested him to kindly let me know the details of what transpired between the defendants in this case and himself in these informal conversations about a possible compromise.

Yours sincerely,

M.Venkatesa Iyengar Esq., M.A.,
General Secretary to Government
of Mysore, Bangalore.

Copy of letter dated the 14th January 1937 from Dharmaprakasa S.S. Jan Rao, Merchant, Bangalore, to the Director of Industries & Commerce in Mysore, Bangalore.

I thank you for your letter of the 9th instant. Kindly note that I am authorised by most of the parties to agree to the compromise and to undertake the responsibility to pay Rupees ten thousand only in full settlement of your claim against the Syndicate. I request you to instruct your counsel to get the case adjourned or withdrawn. I will pay the amount as soon as I hear from you.

Director,
Sandalwood Oil Factory.

The facts are: Messrs.Mannaji Rao and Rao Bahadur B.K.Garudachar saw me and said that they had a stake in the Company and it was extremely distasteful to them to figure as defendants in the present case and though, as advised, they were not liable at all they were prepared to pay Rs.1000/- each, if further proceedings should be dropped against them and were confident of pursuading the others six in all who were in a position to pay to accept this arrangement. I told them that unless they were agreeable to pay Rs.10,000/- at least, I could not go up to Government who after all were the final authority in the matter, with any proposal. Both Mr.Garudachar and Mannaji Rao were willing to abide by ~~the~~ my decision as to this figure. I considered this amount to be fair. I have every hope that the other defendants, the defendents that really matter as far as payment is concerned, could be brought round to agree amongst themselves to contribute this amount and avoid all annoyance and unpleasantness in future.

Sd.S.Abdul Wajid.
5th August 1936.

Copy

Director.

Section

File No.

Serial No

Diary No. of letter replied to ..... No Nil.

on the file of the Dist. jud
Bijore (Director of A
Mys. Bi
Ld.

To

OD. 38/30.31.

Dear Mr. Lakshminarayana

You are aware Mr. Sajjanarao has proposed certain terms of compromise on behalf of some of the defendants in the case. The terms are under consideration of the Govt. and orders with regard I am therefore to request you to move the Co. for an short adjournment of the case.

General and Revenue Secretariat

( )

the *193*

Date of issue 2.2.37

Signed by Sri. B.K.R.

In reply please refer to
No. 551

'ICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore. .....9th.....February..... *1937*

Fro

The Government Advocate
in Mysore, BANGALORE.

To

L SECRETARY.
GE 10 FEB. 1937

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Sir,

With reference to your D. O. letter No. P.4791, dated the 2nd February 1937, I have the honor to state that Original Suit No. 38 of 1930-31 on the file of the Additional District Judge, Bangalore Division, (The - Director of Industries & Commerce in Mysore VS. The Mysor Development Syndicate) stands adjourned to the 17th instt. for report of compromise or for evidence.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

No P 4989

15th February

Dear Mr. Sastry,

O.S.38/30-31 on the file of the Additional District Judge, Bangalore (Director of Industries and Commerce vs. Development Syndicate.).

In reply to your D.O.letter No.1668/2 dated 22nd January 1937 forwarding a copy of the letter from Mr. S.Sajjana Rao, offering on behalf of himself and most of the other defendants to pay Rs.10,000/- in full settlement of the claim against the Mysore Development Syndicate in O.S.38/30-31 on the file of the Additional District Judge's Court, Bangalore, I am desired to say that the offer made by Mr. S.Sajjana Rao may be accepted. Mr. S.Sajjana Rao may be asked to state definitely on behalf of which of the defendants the offer is made and the information communicated to the Government Advocate for report of the settlement to the District Court in respect of those persons. Against the other defendants the case will proceed. The action taken in this respect may be reported for the information of Government.

Yours sincerely,

15/2

S.G.Sastry, Esq.,B.A.,M.Sc.,F.C.S.,
Director of Industries and Commerce in Mysore,
BANGALOR

OVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

ral and Revenue Secretariat

Bangalore, Dated, 15th February 1937.

D. O. No. D. 4989

Dear Mr. Sastry,

).S.38/30-31 on the file of the Additional District Judge, Bangalore (Director of Industries and Commerce Vs. Development Syndicate).

In reply to your D.O. letter No.1668/2 dated 22nd January 1937 forwarding a copy of the letter from Mr. S. Sajjana Rao, offering on behalf of himself and most of the ~~defen~~ other defendants to pay Rs.10,000/- in full settlement of the claim against the Mysore Development Syndicate in O.S.38/30-31 on the file of the ~~District~~ Additional District Judge's Court, Bangalore, I am desired to ~~state~~ say that ~~Government are pleased to accept~~ maybe accepted. the offer made by Mr. S. Sajjana Rao ~~and to ask you to ascertain from~~ maybe asked to state Mr. S. Sajjana Rao definitely on behalf of which of the defendants the offer is made, and ~~instruct~~ ~~the Government Advocate accordingly, to~~ ~~communicate~~ the information communicated to the Govt for report the settlement to the District Court in respect of those persons, ~~and that~~ the case ~~has to~~ will proceed against the other defendants.

~~The date of hearing is 17th February 1937.~~

The action taken in this respect may be reported to the Govt.

Yours sincerely.

S.G. Sastry, Esq., B.A., M.Sc., F.C.S.,
Director of Industries and Cc
Bangalore.

Tel. Address :—"Sandal Bangalor

SANDALWOOD OIL FACTORY,

Bangalore, 16th February 193

ry Esq., B.A., M...., ...B.

~~S.ABDULWAHID Esq. B.A.~~

DIRECTOR, SANDALWOOD OIL FACTORY IN MYSORE

BANGALC

The Government Advocate in Mysore,
Bangalore.

S i r,

I have the honour to forward herewith copy of General Secretary's letter No.P.4989 dated the 15th February 1937 regarding the compromise proposed by Dharmaprakasa S. Sajjan Rao in O.S.No.38/30-31. A reference was made to Mr. Sajjan Rao in this connection and a copy of reply received fro him is also enclosed herewith. I request you kindly to take further action in the light of the orders of Government.

I have the honour to be,

S i r,

Your most obedient servant,

Director.

Copy of letter ~~xx~~ dated the 16th February 1937 from Mr.S.Sajjan Rao, Bangalore City, to Mr.S.G.Sastry, Director of Industries & Commerce in Mysore, Bangalore.

I thank you for your letter of date. reference to case O.S.No.38/30-31 on the file of the District Judge, kindly note the offer I made in full settlement, is on behalf of Rao Bahadur B.K.Garudachar, Messrs. M.Hariyanna, Sowcar Parameswara [illegible] T.Ramalinga Mudaliar Padmarajiah and myself.

Director,
Sandalwood Oil Factory.

SANDALWOOD OIL

Bangalore 17th F

S. G. Sastry Esq., B.A., M.Sc., F.C.S.
Director, Sandalwood Oil Factory,
Bangalore.

M. Venkatesa Iyengar Esq., M.A.
General Secretary to Government of Mysore,
Bangalore.

S i r,

I have the honour to state that in accordance with the instructions conveyed in your letter No.P.4989 dated the 15th February 1937, I enquired from Mr.S.Sajjan Rao, the names of parties on whose behalf he has made the offer. I submit herewith for the information of Government copy of letter of yesterday's date received from him. The Government Advocate is also requested to take further action in the light of the orders of Government. Copy of my letter addressed to him yesterday is enclosed herewith.

I have the honour to be

S i r,

Your most obedient servan

4.2.24 226

In reply please refer to
No. 588

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 22nd February *193* 7.

From

The Government Advocate
in Mysore, BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

GENERAL SECRETARY.
23 FEB. 1937

Sir,

I have the honor to state that Original Suit No.38 of 1930-31 on the file of the Additional District Judge, Bangalore, came on for hearing on the 17th instant and the marginally noted three witnesses were examined for Government on that day.

(1) Mr. M.C.Lakshmipathaiya.
(2) Mr. S.B.Pandit.
(3) Mr. K.T.Sundara Rao.

The case was then adjourned to the next day (i.e., 18-2-1937) and from that date it now stands adjourned to the 3rd March 1937.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue.....3-.....193).

Signed by Dr. PKR.

Section Laws

File No. 26 - 31

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G. O. no. D 3342-3/30-7. 27-29-5, dated 18th September 1930 sanc ...ng ... institution of a civil suit against the Essenflavour Co and its Directors for recovery of the Sandal oil moneys ~~this appropriation~~ one of Govern~~me~~ Order thereon. ~~is~~ 2.7.

3 Letter no. 1600a/2, dated 22-1-1937 from the Director of Industries and Commerce forwarding a copy of ~~Sandalwood oil factory in Mysore~~ letter dated 14-1-37 from Mr. S. Sayana Rao stating that he is

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Letter no-P-7908 dated 22.6.31 to the Govt. Advocate approving the filing of the suits- one against the Mysore Sandalwood and the other against Mysore Development Syndicate for recovery of certain debts to the Essenflavours Products Ltd. which were attached before judgment in the Sandal oil suit.

Orll 14

authorised by "Most of the parties" to agree to the Compromise and to undertake the responsibility to pay Rs 10,000/- only in full Settlement of the claim against the Mysore Development Syndicate in O.S. 38/30-31 on the file of the Dist Judge Bl'ore,

Order 5240-2.

Govt are pleased to accept the offer made by Mr S. Sajjana Rao, on behalf of himself and most named in his letter of 16.2.37. of the other defendants of the Dir of Industries and Commerce Dir of S.O.T. is Requested to Realise the amount and to instruct the Govt Advocate to report the Settlement to the Dist Court. The case will Continue upto the other defts.

Gen & Sec.

offering on behalf of himself and other other defendants to pay the Director of Industries and Commerce Rs 10,000/- in full settlement of the claim against the Mysore Development Syndicate in OS 38/30-31 on the file of the District Judge, Bangalore

& Letter no. 1931/2 dated 16.2.37 from the Director of Industries and Commerce in Mysore, forwarding copy of a letter dated 16.2.37 from Mr S. Sajjanarao stating that the sum of Rs 10,000/- agreed upon is on behalf of himself and Messrs. B.K. Gandachar, M. Hanjaiah, Sowcar Parameswara Bhat, V. Ramalinga Mudaliar and Padmaraj

List of Enclosure

To

(1) The Dir of Industries and Commerce S.O.T.
(2) The Govt Advocate
(3) The Comptr to Govt

Copied by

Examined by

SANDALWOOD OIL FACTOR

Bangalore, 1st March,

No. 2064

Immediate

FROM

S.G. Sastry, Esq., B.A., M.Sc., (Lond.) F.C.S.

Director, Sandalwood Oil Factory,

Bangalore.

Please see Mr. [illegible]

GENERAL SECRETARY
1-MAR 1937

TO

Venkatesiengar, Esq., M.A.,

General Secretary to the Government

His Highness the Maharaja of Mysore

Bangalore

Sir,

I have the honour to enclose herewith copy of D.O. letter No.577 dated 17th February 1937 received from the Government Advocate. I request immediate instructions of Government regarding the points referred to therein. The case is to come on the 3rd March and the Government Advocate is to be instructed.

I have the honour to be,

Sir,

Your most obedient servant

Director

Copy of D.O. letter No.577 dated 17th Febry.1937 from the Government Advocate, Bangalore, to S.G. Sastry, Esq., Director of Sandalwood Oil Factory in Mysore, Bangalore.

Re. O.S. No.38/30-31 on the file of the Addl.District Judge, Bangalore.

I am in receipt of your letter No.1951 dated the 16th Feb. 1937 and the enclosures thereto. It is stated therein that the offer of Rs.10,000/- made by Mr. Sajjan Rao is in full settlement of the claim against him and others mentioned in his letter on whose behalf he made the offer. Does the claim settled include the claim for costs of this case as against them and against their liability either persona or as Directors or both. The case is posted to tomorrow. If the money should not be paid by tomorrow, please let me know whether I should press for a decree against these gentlemen for the sum of Rs.10,000 or relying on their promise, withdraw the suit as against them. Please let me have an immediate reply in the matter as the case is only for tomorrow.

Director,
Sandalwood Oil Factory.

5756 836
P 4/3/37

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, ...3rd March 1937..... *193*

Dear Sir,

Re: O. S. No. 38/30-31 on the file of the Additional District Judge, Bangalore. (The Director of Industries and Commerce in Mysore vs. The Mysore Development Syndicate, etc.,)

With reference to your letter No. 2083, dated the 2nd March 1937 on the above subject, I write to inform you that the above case came on for hearing this day, and a Decree was passed by the Court for Rs.10,000/-, against Defendants 3 to 8. The amount was ordered to be paid and I shall take the necessary steps to get the sum. The case now stands adjourned to the 13th March 1937 for further proceedings as against the remaining defendants.

Yours sincerely,
Sd/- MIRLE N. LAKSHMINARANAPPA,

S. G. [illegible]stry, Esq., B.A., M. Sc., Etc.,
Director, Sandalwood Oil Factory in Mysore,
Bangalore.

No. 617

Copy of the above is forwarded, with compliments, to the General Secretary to Government, for information

Mirle Lakshminaranappa
Government Advocate.

GENERAL SECRETARIAT
8 MAR 1937

S278 P 336

SANDALWOOD OIL FACTORY,

Bangalore, 9th March, 1937.

No. 7162

Law 24-31-5

FROM

S.G. Sastry, Esq., B.A., M.Sc., (Lond.)

Director, Sandalwood Oil Factory,

Bangalore

GENERAL SECRETARY'S
10 MAR 1937

To

for M. Venkatesiengar, Esq., M.A.,

General Secretary to the Government of

His Highness the Maharaja of Mysore,

Bangalore.

S i r,

Re. O.S. No.38/30-31 on the fule of the District Judge, Bangalore, (Director of Industries & Commerce Vs. The Mysore Development Syndicate, etc.).

I have the honour to invite your kind reference to Government Order No.P.5240-2/Law. 26-31-4 dated 1st March 1937, regarding the above subject. For the information of Government, I submit herewith copy of Government Advocate letter dated 3rd March 1937, stating that the Court have awarded the decree for Rs.10,000/- against defendants 3 to 8 and that he is taking action for receiving the above sum.

ed file is
s to the I Member on 9-3-37.
urn will be awaited.

MKR
12.3

I have the honour to be,

S i r,

Your most obedient servant,

Director.

atk) Submitted with the file
Maybe filed
MKR
13-3-37.

Copy of letter No.616 dated 3rd March 1937 from the Government Advocate in Mysore, Bangalore, to the Directo of Sandalwood Oil Factory in Mysore, Bangalore.

Re. O.S. No.38/30-31 on the file of the Additional District Judge, Bangalore (The Director of Industries & Commerce in Mysore, Vs. The Mysore Development Syndicate, etc.)

With reference to your letter No.2083 dated the 2nd March 1937 on the above subject, I write to inform you that the above case came on for hearing this day and a Decree was passed by the Court for Rs.10,000/-, against defendants 3 to 8. The amount was ordered to be paid and I shall take the necessary steps to get the sum. The case now stands adjourned to the 13th March 1937 for further proceedings as against the remaining defendants.

K Sathasarthi

for Director,
Sandalwood Oil Factor
in Mysore, Bangalore